United Nations A/HRC/31/46

General Assembly

Distr.: General
11 February 2016

Original: English

Human Rights Council
Thirty-first session
Agenda items 2 and 10
Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Technical assistance and capacity-building

Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Afghanistan and on the achievements of technical assistance in the field of human rights in 2015*

Summary

The present report describes the human rights situation in Afghanistan, covering the period from 1 January to 30 November 2015, and provides an overview of the core work and technical assistance carried out by the Human Rights Unit of the United Nations Assistance Mission in Afghanistan (UNAMA), in cooperation with the Office of the United Nations High Commissioner for Human Rights (OHCHR).

The report raises key human rights issues relating to the protection of civilians in armed conflict, in particular the impact upon women and children; continued torture and ill-treatment in places of detention; the prevalence of violence against women; and the continued absence of accountability for perpetrators of human rights violations and abuses. The report provides an overview of the monitoring, documentation, advocacy and related activities carried out by UNAMA/OHCHR to address those issues.

The report draws attention to the consequences of the armed conflict on the protection of human rights . Indeed, civilians continue to bear the brunt of the violence, with UNAMA/OHCHR having recording 3,234 civilians killed and 6,935 injured between 1 January and 30 November 2015 — the highest number of civilian casualties since 2009.

The report highlights key activities undertaken by the Government of Afghanistan to uphold its commitments under international human rights law, including the adoption of national plans of action in the areas of women's rights, peace and security, and the prevention of torture. The report concludes with concrete recommendations to the Government, anti-Government elements and the international community.

* The present report was submitted after the deadline in order to reflect the most recent developments.

GE.16-01911(E)

Please recycle

Contents

		Page
I.	Introduction	3
II.	Protection of civilians	4
	A. Anti-Government elements	6
	B. Pro-Government forces	7
	C. Children and armed conflict	8
III.	Protection from arbitrary detention and respect for fair trial rights	10
IV.	Violence against women and the promotion of women's rights	11
V.	Peace and reconciliation, including accountability and transitional justice	14
VI.	Support to national institutions	15
VII.	Cooperation with United Nations human rights mechanisms	15
VIII.	Conclusion	16
IX.	Recommendations	16

I. Introduction

1. The present report is submitted pursuant to Human Rights Council decision 2/113 of 27 November 2006 and its resolution 14/15 of 18 June 2010. It has been prepared in cooperation with the United Nations Assistance Mission in Afghanistan (UNAMA).

2. UNAMA/OHCHR continues to pursue an overall strategy of embedding human rights in Afghanistan through targeted monitoring, documentation, reporting and analysis, together with advocacy and engagement in strategic partnerships and dialogues with the Government, national institutions and civil society actors and communities across Afghanistan and international partners.

3. In 2015, UNAMA/OHCHR prioritized five areas, namely, the protection of civilians in armed conflict; human rights and the protection of children in armed conflict; the elimination of violence against women and gender equality; the prevention of torture and arbitrary detention; and the integration of human rights into peace and reconciliation processes. In addition, UNAMA/OHCHR supports the strengthening of the Afghanistan Independent Human Rights Commission. These priorities reflect the mandate of UNAMA/OHCHR and the main human rights concerns of people in Afghanistan. They also serve as focus areas for the Government's reform agenda following the transfer of security and other responsibilities from international actors.

4. In 2015, Afghanistan faced an intensified insurgency in the midst of a difficult political transition and serious economic issues. Taliban and other anti-Government elements intensified their efforts to seize territory and increasingly sought to take control of major population centres. While peace negotiations between the Government and the Taliban gained some momentum, they did not diminish efforts by the Taliban to increase its control of territory and did not result in decreased violence. The year 2015 was marked by an increase in fighting between Afghan forces and anti-Government element groups and the emergence of new groups pledging allegiance to the organization known as Daesh, notably in Nangarhar province. UNAMA/OHCHR observed that the emergence of such groups caused serious concern among civilians.

5. On 15 October, the President of the United States of America, Barack Obama, announced the extension of the United States military presence in Afghanistan beyond 2016 and the commitment to maintain 5,500 troops into early 2017. The President of Afghanistan, Ashraf Ghani, welcomed the announcement, adding that it would improve stability. On 1 December, the North Atlantic Treaty Organization (NATO) announced its agreement to sustain the presence of the Resolute Support Mission in Afghanistan through 2016, fund 350,000 troops of the Afghan National Security Forces through 2017 and ensure that it can finance the Afghan National Security Forces from 2018 to 2020.

6. Between 1 January and 30 November, UNAMA/OHCHR documented 10,169 civilian casualties (3,234 civilians killed and 6,935 injured), an increase of 4 per cent compared with the same period in 2014 and the highest number of casualties since 2009. This increase is mainly due to the escalation in ground engagements between Afghan forces and anti-Government elements, in particular in Kunduz city, and to several large suicide attacks in Kabul city.

7. While UNAMA/OHCHR documented a reduction in civilian casualties caused by anti-Government elements, the Taliban and other groups remained responsible for the majority of civilian casualties. Anti-Government elements continued to launch complex and suicide attacks and to conduct targeted killings of civilians.

8. The Assistant Secretary-General for Human Rights, Ivan Šimonović, visited Afghanistan from 15 to 22 April. In that context, he engaged with relevant authorities in Kabul, Kapisa and Nangarhar provinces, encouraging the advancement of human rights, in particular stronger protection of civilians, and urging the Government to ratify the Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

9. While the Government made a number of clear commitments in 2015 to improve its adherence to international human rights standards, UNAMA continued to document human rights violations and abuses, including widespread and prevalent violence against woman and girls, with an overall climate of impunity for perpetrators.

II. Protection of civilians

10. Following the final transition of security responsibility from international military forces to the Afghan National Security Forces on 1 January, anti-Government elements multiplied their attempts to gain control of population centres, seizing more district administrative centres than in previous years. In September, the Taliban briefly captured Kunduz, the first provincial capital to fall since the overthrow of the Taliban regime in 2001.

11. Despite transitioning to a "train, assist, advise" mission on 1 January, international military forces continued to provide support to their Afghan counterparts as fighting intensified. However, the protection of civilians has been further complicated by the emergence of new armed opposition groups, the fracturing of the Taliban following the revelation of the death of Mullah Omar, and a resurgence of pro-Government armed groups in parts of the country.

12. From 1 January to 30 November , civilian deaths and injuries from conflict-related violence increased by 4 per cent compared with the same period in 2014. Current figures indicate that 2015 saw the highest number of civilian casualties recorded in a year by UNAMA/OHCHR since 2009.

13. Between 1 January and 30 November, UNAMA/OHCHR documented 10,169 civilian casualties (3,234 civilians killed and 6,935 injured). It was able to attribute 64 per cent of them to anti-Government elements and 16 per cent to pro-Government forces (defined as the Afghan National Security Forces, pro-Government armed groups and international military forces). Seventeen per cent of casualties caused by ground engagements between pro-Government forces and anti-Government elements could not be attributed. Three per cent of civilian casualties resulting mainly from explosive remnants of war were unattributed.

14. Although certain trends, such as the increase in targeted killings of civilians, remained consistent across the country, UNAMA/OHCHR documented a decrease in civilian casualties in all regions compared with 2014, except for the north-eastern and central regions. In the central region, specifically in Kabul city, an increase in complex and suicide attacks contributed to the rise in civilian casualties.

15. On 28 September, the Taliban launched an attack on and captured Kunduz city, in the north-east, precipitating more than two weeks of urban fighting as pro-Government forces attempted to regain control of the area. Fighting continued until 13 October, when the Taliban formally announced its withdrawal from the city. During this period, UNAMA/OHCHR recorded a preliminary figure of 848 civilian casualties (289 deaths and 559 injured) from conflict-related incidents in Kunduz city and surrounding districts. The vast majority of civilian casualties reportedly resulted from ground fighting between

Taliban fighters and Afghan security forces. UNAMA/OHCHR also received reports of civilian casualties from targeted or deliberate killings, as well as parallel justice punishments.[1]

16. UNAMA also documented a preliminary figure of 67 civilian casualties (30 dead and 37 injured) caused by an air strike carried out by international military forces on a Médecins Sans Frontières hospital, in Kunduz city, on 3 October. At the time of the attack, the hospital appeared to have been a fully operational medical facility and, as such, was fully protected under international humanitarian law. All military have an obligation to respect and protect civilians at all times, and medical facilities and personnel are the object of special protection. Furthermore, those who are rendered hors de combat may not be the object of attack.[2] These obligations apply no matter whose air force is involved and irrespective of the affiliation of the patients receiving medical care. Violations of these obligations also entail a violation of the right to life.[3] The Special Representative of the Secretary-General for Afghanistan and Head of UNAMA, the United Nations High Commissioner for Human Rights, the Special Representative of the Secretary-General for Children and Armed Conflict and the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator all strongly condemned the attack and called for an independent and impartial inquiry into the incident.

17. During its occupation of Kunduz, the Taliban clearly targeted human rights defenders and Government employees through systematic searches of their homes and destroyed and looted the property and premises of the Government, non-governmental organizations and the United Nations. Kunduz residents complained of water and electricity outages and food scarcity, which were exacerbated by significant restraints on humanitarian access owing to the fighting. The absence of governance during this period and the complete breakdown of rule of law resulted in the loss of protection of the most basic human rights. Once inside the city, the Taliban immediately freed over 600 male prisoners[4] from the Kunduz prison, allegedly providing some with weapons, and thereby enabling them to join the fight against Afghan security forces. This chaos created an environment in which arbitrary killings, opportunistic criminality and destruction took place with complete impunity. UNAMA/OHCHR confirmed that fear of sexual violence by armed men or opportunistic criminals, fuelled by unconfirmed reports of sexual abuse, was a key factor in the mass displacement of women from the city.

18. Throughout 2015, as part of its support to the Government of Afghanistan and the Afghan people in laying the foundations for peace, UNAMA continued to engage with all parties to the conflict, including the Taliban, to advocate for the protection of civilians and of women's and children's rights.

19. In February and March, UNAMA/OHCHR released two public reports highlighting civilian casualty figures, key trends and analysis, and recommendations to all parties to mitigate civilian deaths and injuries (see annual and midyear reports on the protection of civilians in armed conflict).

---

[1] See United Nations Assistance Mission in Afghanistan and United Nations Office of the High Commissioner for Human Rights, *Afghanistan: Human Rights and Protection of Civilians in Armed Conflict: Special Report on Kunduz Province* (December 2015).

[2] See International Committee of the Red Cross, Customary IHL – Rule 47. Attacks against Persons Hors de Combat database, available from https//www.icrc.org/customary-ihl/eng/docs/v1_rul_rule47, last accessed 24 November 2015.

[3] Afghanistan's obligations under international human rights law continue to apply during periods of armed conflict.

[4] The women held at the prison also left the Kunduz prison at this time.

A. Anti-Government elements

20. In the first 11 months of 2015, UNAMA/OHCHR attributed 64 per cent of all civilian casualties to anti-Government elements, which include a range of armed opposition groups. This represents a 10 per cent decrease in civilian casualties attributed to such groups since 2014. As in previous years, there was no claim of responsibility for the majority of the incidents attributed to anti-Government elements.

21. Between 1 January and 30 November, improvised explosive devices and suicide and complex attacks accounted for 40 per cent of all civilian deaths and injuries by anti-Government elements. Notwithstanding a 20 per cent decrease compared with the same period in 2014, improvised explosive devices alone accounted for 663 civilian deaths and 1,571 injured (2,234 civilian casualties). In contrast with the overall decline in civilian casualties caused by such devices, UNAMA/OHCHR documented a 35 per cent increase in civilian casualties from pressure-plate improvised explosive devices. On 7 August, two suicide attacks in Kabul city killed 42 civilians and injured 313. This represents the highest number of civilian casualties in a single day since UNAMA/OHCHR began systemically recording such casualties in 2009. In one of the attacks, a suicide vehicle-borne improvised explosive device detonated in the Shah Shahid area, killing 15 civilians and injuring 283. The Taliban issued a statement on its website, denying responsibility for the attack.

22. Throughout 2015, anti-Government elements continued to target and kill civilians, in particular individuals who worked for or were perceived to support the Government or the Afghan National Security Forces and international military forces. Between 1 January and 30 November, UNAMA/OHCHR documented 1,266 civilian casualties (773 civilian deaths and 493 injured) from targeted killings, an increase of 24 per cent compared with the same period in 2014. The Taliban claimed responsibility for 20 per cent of the civilian casualties from targeted killings documented by UNAMA/OHCHR on its website. On 7 September, for example, it issued a claim of responsibility for the killing of a civilian in Kandahar city, alleging that he was a spy for the Government and international military forces.

23. Anti-Government elements increasingly targeted the civilian Government administration. UNAMA/OHCHR documented 174 direct attacks against civilian Government administration personnel or locations, causing 941 casualties (147 deaths and 794 injured). The total number of casualties caused by attacks against civilian Government administration targets increased by 110 per cent compared with the same period in 2014. Suicide attacks caused the highest number of civilian casualties in incidents targeting civilian Government administration personnel or sites, followed by ground engagements and targeted killings.

24. On 12 October, in an explicit attempt to threaten and intimidate journalists, the Taliban's military commission issued a statement condemning the reporting of its capture of Kunduz city by two Afghan television channels (Tolo TV and 1TV) and stating that those media outlets were to be considered "legitimate military targets" and their staff "enemy personnel". The statement followed reporting by both channels on allegations of abuse by the Taliban during its occupation of Kunduz. On 16 October, the Taliban published an article on its website, directly calling for attacks on media outlets and journalists "that work for and are funded by the West". Mirroring the language used in the statement of 12 October, the article stated that such media outlets "must become firm military targets and be eliminated".

25. On 26 October, a remote-controlled improvised explosive device detonated against a shuttle bus transporting staff of the Afghanistan Independent Human Rights Commission to the Commission's office in Jalalabad city, Nangarhar province. Two male employees were killed and six were injured, including one woman. The Commission reported that there had

been no specific threat or intimidation against the office before the attack. The Commission, UNAMA and OHCHR issued statements condemning the attack.

26. UNAMA noted an increase in killings and abductions of civilians of Hazara ethnicity by anti-Government elements. For example, on 13 October, anti-Government elements abducted seven Hazara civilians, including one girl and two boys, in the south-eastern province of Ghazni. Between 6 and 8 November, anti-Government elements executed all seven abductees in the southern province of Zabul, Arghandab district; armed clashes between two rival groups of anti-Government elements were also reported in Zabul.

27. In the first half of 2015, anti-Government elements abducted at least 97 members of the Hazara community in 10 incidents. All but one took place in areas with mixed Hazara and non-Hazara communities in Balkh, Faryab, Ghazni, Ghor, Sari Pul, and Uruzgan provinces. UNAMA has confirmed the release of 78 of the 97 abducted Hazaras, while it was not able to verify the whereabouts of the remaining hostages. The motives for the abductions included holding hostages for ransom, exchange of detainees and suspicion of the hostages being members of the Afghan National Security Forces. In some cases, however, the motive was unknown. On 23 February, in one incident that garnered significant public attention, anti-Government elements abducted 30 Hazara passengers from two public buses in Shah Joy district, Zabul province, as they were travelling from Herat to Kabul. Three of the victims were killed during captivity by anti-Government elements while two died, reportedly of natural causes. Between May and August, the remaining hostages were released, reportedly in exchange for a group of detainees held by the Government.

B. Pro-Government forces

28. From 1 January to 30 November, UNAMA/OHCHR documented 1,648 civilian casualties (540 civilian deaths and 1,108 injured) attributed to pro-Government forces, a 30 per cent increase from 2014. This rise is attributed to an increase in offensive operations and counter-attacks by the Afghan National Security Forces against anti-Government elements, including in or near civilian populated areas. Fifty-eight per cent of civilian casualties attributed to pro-Government forces during this period resulted from the use of explosive weapons, including rockets, mortars and grenades. For example, on 9 June, the Afghan National Army fired mortars at a Taliban position in Ghormach district, Faryab province, striking a civilian residence, killing three children and a man, and injuring a woman.

29. Reversing previously observed trends, civilian casualties from aerial operations increased by 77 per cent in 2015, causing 275 civilian casualties (147 deaths and 128 injured). Of these, international military forces caused 165 civilian casualties (104 deaths and 61 injured). This represents a 14 per cent increase in civilian casualties caused by international military forces compared with the same period in 2014 and primarily resulted from the bombing of the Médecins Sans Frontières hospital in Kunduz on 3 October, which caused 67 civilian casualties (30 deaths and 37 injured).

30. The Afghan Air Force caused 40 per cent of the casualties arising from aerial operations (110 civilian casualties: 43 deaths and 67 injured). Civilian casualties from Afghan Air Force operations increased in the second half of 2015 compared with the first half of the year. UNAMA/OHCHR has urged international military forces to strengthen their support to the Afghan Air Forces to encourage the implementation of effective precautionary measures to prevent civilian casualties and to institutionalize best practices learned over the years in reducing such casualties from aerial operations.

31. During the reporting period, UNAMA/OHCHR was able to attribute 130 civilian casualties (50 deaths and 80 injured) to pro-Government militia, — a 76 per cent increase from the same period in 2014. Almost all casualties resulted from deliberate killings by pro-Government militia and ground engagements with anti-Government elements.

32. UNAMA/OHCHR reiterates concern about the consistent failure of the authorities to protect civilian communities from human rights abuses and harm perpetrated by pro-Government armed groups and about the continued absence of accountability for such actions. UNAMA/OHCHR notes the gap between the vast number of documented abuses committed by pro-Government armed groups and the scarce number of investigations and prosecutions of human rights abuses committed by such groups. It highlights that impunity for human rights abuses and crimes perpetuates insecurity, undermines civilian protection and weakens the rule of law. The pattern of abuses and impunity by pro-Government armed groups erodes the legitimacy of the Government and fuels continuing cycles of violence.

33. Although UNAMA/OHCHR raised this issue throughout 2013 and 2014, it has observed little improvement in the accountability of the Afghan National Security Forces for incidents in which its members caused civilian casualties and notes the continued lack of a permanent structure in the Security Forces to systematically investigate allegations of civilian casualties, initiate remedial measures and take follow-up action. While the Ministry of Defence drafted a ministerial policy on civilian casualty mitigation, it has yet to be signed by the acting Minister. Although the NATO presence plans to fully transition the Civilian Casualty Avoidance and Mitigation Board from international military supervision to an Afghan-led body in January 2016, there was no indication at the end of December 2015 that the underlying structures and processes established by the international military forces would be in place to support the transition. While UNAMA/OHCHR observed some investigation and prosecution of members of the Afghan National Army for significant incidents, it noted that the vast majority of incidents had not been investigated or that the blame had been placed on anti-Government elements following an informal investigation.

C. Children and armed conflict

34. Children continued to suffer the direct and indirect consequences of conflict-related violence. Between 1 January and 30 November, UNAMA/OHCHR verified 1,189 incidents, which killed 645 children and injured 1906 (2551 casualties). The verified incidents indicate that 645 children (477 boys, 155 girls and 13 undetermined) were killed and 1,906 children (1381 boys, 491 girls and 34 undetermined) were injured. On average, more than 58 children were killed and injured per week across the country during 2015, and approximately 25 per cent of civilian casualties were children.

35. In 2015, ground engagements continued to cause the highest number of deaths and injuries of children, causing 1,301 casualties. Improvised explosive devices were the second leading cause of deaths and injuries among children, causing 512 casualties, followed by explosive remnants of war (297) and suicide attacks by anti-Government elements (178). The highest figures were recorded in the central region. Air strikes by international forces killed and injured 60 children, compared with 51 in 2014. Anti-Government elements were responsible for 44 per cent of the total verified child casualties recorded, while pro-Government forces were responsible for 23 per cent.

36. From 1 January to 30 November, UNAMA/OHCHR documented 101 incidents impacting schools and related personnel, a 35 per cent decrease from 2014, when 155 such incidents were reported. This included 61 documented instances of threats, intimidation and harassment against education personnel, 12 targeted killings, 11 abductions and eight improvised explosive device incidents. The incidents caused the death of 15 civilians and injured 15, mainly as a result of the deliberate targeting of education personnel and

improvised explosive device detonations on or near school premises. At least 87 of the verified incidents were attributed to anti-Government elements.

37. From 1 January to 30 November, UNAMA/OHCHR documented 62 incidents and attacks against or impacting hospitals and health personnel, including 55 incidents attributed to anti-Government elements. Six civilians were killed and four injured owing to some of those incidents. Other incidents included the abduction of 44 medical personnel and 28 cases of threats, intimidation and harassment. The most significant single incident impacting the provision of health care was the air strike on the Médecins Sans Frontières hospital in Kunduz city on 3 October, which killed 30 civilians and injured 37 and destroyed the main building of the hospital (see para. 16 above).

38. Conflict-related violence continued to impede access to health care, in particular for women. On 7 November in Ghormach district, Faryab province, a pregnant woman and her unborn child died owing to the closure of the only health-care facility in the district following the Taliban's capture of Ghormach district centre.

39. During the period under review, the country task force on monitoring and reporting on children and armed conflict verified 11 incidents of underage recruitment and use of children by parties to the conflict, compared with 17 cases in 2014. The children had been recruited and used for planting improvised explosive devices, transporting explosives, carrying out suicide attacks and spying. The Taliban was responsible for the recruitment of six boys, while two boys were recruited by the Afghan Local Police, three by the Afghan National Army and three by the Afghan National Police.

40. During the period under review, the country task force on monitoring and reporting documented six incidents of abduction involving 33 children, all of which were perpetrated by anti-Government elements. Nine of the children were killed while in custody, including two boys whose fathers worked as Afghan National Police officers, the son of a Government employee and two off-duty, underage Afghan National Police elements.

41. In November, UNAMA/OHCHR and the United Nations Children's Fund (UNICEF) facilitated a visit of the Ministry of Interior to the child protection unit in the Afghan National Police recruitment centre, in Herat province. The establishment of child protection units is part of the Government's efforts to comply with the 2011 Government and United Nations action plan for the prevention of underage recruitment. At the end of November, such units had been created in four provinces, all within the western region. Following the visit, the Ministry of Interior expressed a commitment to expand the child protection units to all recruitment centres, beginning with Balkh and Nangahar provinces, in compliance with the Government's action plan and road map.

42. In June 2015, the Afghanistan Independent Human Rights Commission established an advocacy committee to develop an action plan to eliminate bacha bazi (playing with boys) or pederasty and other forms of sexual abuse of boys by men. As members of the committee, UNAMA/OHCHR and UNICEF provided technical support to draft the legislation prohibiting and criminalizing that practice. At the end of November, the draft remained under review by the Ministry of Justice.

43. After a delay of over two years, the country task force on monitoring and reporting met on 21 July and adopted its terms of reference and established a technical working-level mechanism on children and armed conflict. Members of the country task force on monitoring and reporting renewed their commitment and support to assist the Government in meeting its obligations under the action plan and road map to comply with the aim of delisting the Afghan National Police from the annexes to the report of the Secretary-General on children and armed conflict.

III. Protection from arbitrary detention and respect for fair trial rights

44. The treatment of conflict-related detainees, in particular those in the custody of the National Directorate of Security, remains a major human rights concern.

45. In February, UNAMA/OHCHR published its third public report on the treatment of conflict-related detainees, based on interviews with 790 detainees conducted during visits to 128 detention facilities between February 2013 and December 2014.

46. The report found that one third (35 per cent or 278 individuals) of the 790 detainees interviewed by UNAMA/OHCHR had experienced torture or ill-treatment in the custody of the National Directorate of Security, the Afghan National Police, the Afghan Local Police and the Afghan National Army. UNAMA/OHCHR documented 16 different methods of torture, including prolonged and severe beating with cables, pipes, hoses and wooden sticks (including on the soles of the feet), punching, kicking and hitting all over the body, twisting of genitals and threats of execution and/or sexual assault. UNAMA also documented cases of removal of fingernails and toenails and asphyxiation caused by stuffing clothes or plastic bags into detainees' mouths.

47. While UNAMA/OHCHR recorded a 14 per cent decrease in the overall percentage of detainees interviewed who had experienced torture or ill-treatment compared with the previous observation period (October 2011-October 2012), it identified a continuing and pervasive lack of accountability for the use of torture, documenting only one prosecution of two officials of the National Directorate of Security officials for torture over the entire 23-month observation period.

48. Key recommendations of the report included the establishment of an independent national preventive mechanism on torture, the closure of unofficial detention centres and the prompt, impartial and thorough investigation of all allegations of torture in order to ensure accountability.

49. The Government reacted positively to the report and issued a national plan on the elimination of torture, in which it committed to beginning the process of ratifying the Optional Protocol to the Convention against Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment and to establishing a national preventive mechanism on torture, as required by the Protocol. The national plan also included legislative, preventive, educational and capacity-building measures to promote accountability and ensure more effective implementation of Afghanistan's obligations to eliminate torture under international and domestic law.

50. In June 2015, President Ghani committed to signing the Convention against Torture. That commitment was reiterated by the Government's Chief Executive Officer, Abdullah Abdullah, in a speech to the General Assembly, on 28 September. At the end of November, the Ministry of Justice was working on the elaboration of a new anti-torture law, which is expected to contain extensive provisions of redress for victims of torture.

51. Notwithstanding the Government's commitments, torture remains prevalent in detention facilities throughout the country, in particular those run by the National Directorate of Security. Since the release of its report, UNAMA/OHCHR continued to interview conflict-related detainees, including juveniles, in detention facilities in 25 provinces. It was revealed that detainees continued to experience torture or ill-treatment at the time of arrest and during interrogation or detention at levels comparable to the findings documented in the February 2015 report. The majority of the cases related to National Directorate of Security facilities, although UNAMA/OHCHR also documented cases of ill-

treatment or torture carried out by the Afghan Local Police, the Afghan National Police and the Afghan National Army.

52. Furthermore, on 2 September, President Ghani signed a legislative decree (Presidential Decree No. 76) amending the 2014 Criminal Procedure Code,[5] which is aimed at "effectively prosecuting perpetrators of terrorism crimes" and the majority of the crimes prescribed by the Law on Crimes Against Internal and External Security.[6] This Decree may increase the risk of arbitrary detention and torture. Indeed, article 10 of the Decree provides for preventive detention, in a "special facility", of individuals whom the Government considers may pose an actual or potential threat to national security. Suspects can be detained without charge and the period of detention can be extended indefinitely if required. Article 10 also applies to convicted prisoners who have completed their sentences. This provision represents a complete reversal of the position of the previous Government. On multiple occasions, former President Karzai strongly condemned the United States military for holding conflict-related detainees in Bagram Detention Facility without charge and without allowing them access to the Afghan legal system. His concerns eventually led, in May 2014, to the closure of Bagram as a United States-run facility and to its transfer to the Government's jurisdiction.

53. The Decree also amends the Criminal Procedure Code so as to allow security officials to hold persons suspected of security crimes for up to 10 days before bringing them before a prosecutor and allow prosecutors to order the detention of suspects for up to 60 days before bringing them before a judge.

54. The provisions of the Criminal Procedure Code were already in breach of Afghanistan's international obligations under the International Convention on Civil and Political Rights,[7] as they authorized security personnel to hold detainees for 72 hours and prosecutors to detain suspects for up to seven days in the case of a misdemeanour and up to 15 days in the case of a felony. The legislative amendment introduced by the Presidential Decree represents an even more egregious violation of the relevant international standards and significantly increases the risk of ill-treatment and torture for those who remain in detention for extended periods without judicial oversight and access by monitors.

IV. Violence against women and the promotion of women's rights

55. During the reporting period, the continuing prevalence of violence against women remained a serious concern. From January to the end of November, UNAMA/OHCHR

[5] Annex No.1 to the Criminal Procedure Code published in Official Gazette No.1132, on Terrorist Crimes and Offences Against Internal and External Security (published in Official Gazette No. 1190, 19 October 2015).

[6] Presidential Decree No. 76, Article 1- "This annex has been enacted to effectively prosecute perpetrators of terrorism crimes and crimes under articles 1,2,3,4,5,6,7,8,9,10,12,13,14,15,16,23,27 and 28 of the Law on Crimes Against Internal and External Security". (The cited articles include, inter alia, the offences of treachery, espionage, terror, subversion, sabotage, propaganda, disclosure of State secrets, hostage- taking and providing assistance to the enemy).

[7] Under article 9 (3) of the International Convention on Civil and Political Rights, "anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized to exercise judicial power". While the exact meaning of "promptly" may vary depending on objective circumstances and, in the view of the Human Rights Committee, delays should not exceed a few days from the time of arrest, any delay longer than 48 hours is exceptional. (See Human Rights Committee, General Comment No.35, 16 December 2014, CCPR/C/GC/35, para. 33).

documented 838 alleged cases of violence against women across Afghanistan, including 98 murders, 46 cases of forced immolation, 24 "honour" killings, 41 rapes, 398 cases of battery and laceration, 73 forced marriages and 27 underage marriages. Out of the total number of documented cases, 145 victims were minors. UNAMA/OHCHR reiterated the obligations under international law for relevant authorities to take the actions necessary to prevent, protect against and respond to violence against women, whether perpetrated by private or public actors.

56. On 16 June, at the twenty-ninth session of the Human Rights Council, the Special Rapporteur on violence against women, its causes and consequences briefed the Council on her mission to Afghanistan in November 2014. While acknowledging progress in addressing the situation of women and girls, she noted that the majority of Afghan women remained marginalized, discriminated against and at high risk of being subjected to violence.

57. In 2015, two cases in particular sparked widespread national and international public condemnation: the murder of a young woman by a mob in Kabul city on 19 March over false allegations that she had burnt a copy of the Quran; and the stoning to death of a woman on 25 October in Ghor province as a punishment by anti-Government elements for alleged adultery. Both incidents were stark reminders of the nature of the brutality faced by women in Afghanistan.

58. On 19 April, UNAMA/OHCHR released a report entitled "Justice through the Eyes of Afghan Women: Cases of Violence against Women Addressed through Mediation and Court Adjudication", which documented factors enabling and hindering women's access to justice in cases of violence from the perspective of women themselves. The report was based on interviews with 110 women and girl victims of violence in 18 of Afghanistan's 34 provinces between August 2014 and February 2015. It revealed the significant use of mediation rather than court adjudication by women to obtain justice and remedies. It highlighted that the use of mediation was influenced by several factors, including perceived deficiencies in the criminal justice system in processing women's claims, allegations of corruption, abuse of power and lack of professionalism. UNAMA/OHCHR findings indicated that rather than seeking the imposition of criminal sanctions, the majority of women interviewed were primarily concerned with obtaining civil redress, such as divorce, fair alimony and custody settlements, or living in a violence-free environment. The report called for the adoption of legal, institutional and policy reforms to improve women's access to justice in cases of violence.

59. UNAMA/OHCHR continued to conduct activities to raise public awareness of legal guarantees protecting survivors of violence. For example, it held International Women's Day events throughout Afghanistan from 1 to 11 March, including in the cities of Asadabad, Bamyan, Herat, Jalalabad, Kabul, Kandahar, Kunduz, Maidan Shahr, Mazar, Qala-e-Naw and Sharana.

60. UNAMA/OHCHR trained at least 500 men and women, including ulema councils, legal experts, tribal elders, religious scholars, law enforcement and judicial officials, non-governmental organizations, civil society actors and women survivors of violence, on women's rights under the international and domestic legal framework, including sharia law. For example, UNAMA/OHCHR delivered training on human rights and women's rights to at least 245 women police officers, including members of policewomen councils, and family response units deployed in Bamyan, Daikundi and Paktya provinces.

61. On 30 June, President Ghani launched the first national action plan on Security Council resolution 1325 (2000), reaffirming the Government's commitment to the implementation of the women and peace and security agenda in Afghanistan. The national action plan enshrines the Government's pledges for strategic interventions towards

increasing the role of women in the area of participation, protection, prevention, relief and recovery. UNAMA/OHCHR continued to advocate for its swift implementation, viewing it as necessary and urgent to effectively create opportunities for women to exercise leadership, contribute to decision-making processes and ultimately influence Afghanistan's political and security transitions, including the peacebuilding agenda.

62. Between September and November, as part of its advocacy on Security Council resolution 1325 (2000), UNAMA/OHCHR facilitated nine open day events with over 370 women civil society representatives, including university students and local peace activists across Afghanistan. Participants called for women to be given a meaningful role during the political and peace processes as opposed to being considered only as victims in need of protection. During the reporting period, UNAMA/OHCHR advocated for the adoption of concrete initiatives to ensure an inclusive gender-sensitive environment conducive to participation by women in the electoral process. In particular, it proposed a range of temporary special measures to the Special Commission on Electoral Reform. Pursuant to Presidential Decree No. 84 of 6 September 2015[8] and recommendations from the Commission, seats reserved for women representatives were reinstated to at least 25 per cent in the provincial councils and district councils.

63. During the 16 Days of Activism against Gender-Based Violence Campaign, the Government released its third report on the implementation of the Law on the Elimination of Violence against Women of 2009, based on data gathered from the Ministry of Women's Affairs, the Ministry of Interior and the Attorney General's Office between March 2014 and March 2015. UNAMA/OHCHR provided significant analytical and drafting support to the Government in that context. According to the report, a total of 5,720 cases were registered with the three above-mentioned institutions, including 3,038 cases that constituted acts that could be prosecuted under the Law on the Elimination of Violence against Women.

64. The safety of women in public areas remained of concern, with harassment remaining common. In September, the Council of Ministers adopted the Regulation on the Prohibition of the Harassment of Women[9] aimed at preventing and responding to harassment in the workplace and public spaces. The regulation does not, however, provide any procedures for the registration of complaints or the initiation of investigations and only refers to a future law that has yet to be drafted.

65. Issues relating to women's rights remained at the forefront of discussions during the senior officials' meeting on 5 September: the Self-Reliance through Mutual Accountability Framework agreed upon by the Government and the international community includes gender indicators under anti-corruption, governance, rule of law and human rights, namely: (a) demonstrated developments in the legal and policy framework for empowering women, especially the elimination of violence against women; (b) increase in participation by women in government, including the justice and security sectors; (c) implementation of the national action plan on Security Council resolution 1325 (2000); (d) preparation and implementation of anti-harassment regulations; and (e) implementation of the recommendations of the reports on the implementation of the Law on the Elimination of Violence against Women and the establishment of dedicated prosecution units for cases of violence against women in Attorney General's offices in all provinces. Related short-term deliverables to be completed by the end of 2016 included in the Framework also include: (a) initiating the implementation of the national action plan on Security Council resolution

[8] Presidential Decree No. 84 (6 September 2015) is a legislative decree on signing amendments and additions to some of the articles of the Election Law.

[9] Published in Official Gazette Extraordinary issue No. 1185, dated 3 October 2015.

1325 (2000) by the first half of 2016, following approval of donor financing by the end of 2015; (b) issuance of an anti-harassment regulation aimed at improving the working environment for women in the public sector by the first half of 2016; and (c) establishment of dedicated prosecution units for cases of violence against women in 26 provinces by December 2016. The inclusion of these indicators and deliverables reflects the strong advocacy of UNAMA/OHCHR with the Government and donors.

66. During the reporting period, progress on the integration of women into political, economic and social life remained slow. The National Unity Government appointed four women to ministerial posts, namely, Women's Affairs; Higher Education; Labour, Social Affairs, Martyrs and Disabled; and Counter Narcotics. Two women were selected to be the governors of Daikundi and Ghor provinces; the latter was removed from her position in December 2015 to become the Deputy Governor of Kabul province. A woman was nominated as a judge of the Supreme Court of Justice amid opposition from conservative sectors, including members of the Ulema Council. She was not confirmed, falling short by nine votes in the National Assembly (Wolesi Jirga). While these appointments comply with commitments made during the London Conference on Afghanistan in December 2014, the representation of women in leadership roles remains extremely low, tends to be limited to the provincial capitals and is often symbolic.

67. Notwithstanding progress in the recruitment of women police officers, the representation of women in the Afghan National Police remained minimal, standing at approximately 2,700 (1.5 per cent of the overall force) at the end of October. In August, in an effort to boost recruitment, the Ministries of Interior and Women's Affairs signed a memorandum of understanding requiring local Ministry of Women's Affairs offices to identify suitable women candidates interested in joining police academies and disseminate informational and publicity materials to attract more women to the Afghan National Police. Projects to support women police officers, such as separate rooms and washrooms, were also initiated.

V. Peace and reconciliation, including accountability and transitional justice

68. In 2015, UNAMA/OHCHR continued to support the third phase of the Afghan People's Dialogue on Peace. A national Dialogue conference was held on 15 January, in Kabul city, providing a forum for civil society activists from all over Afghanistan to discuss mechanisms for peacebuilding in the presence of the Second Vice-President and other National Unity Government authorities. At the conclusion of the conference, delegates issued a joint statement appealing to the Government to support the four areas identified as priority objectives for provincial civil society advocacy committees: (a) the promotion of responsive State institutions upholding human rights and rule of law and tackling the culture of impunity and widespread corruption; (b) the strengthening of security institutions and the disarming and disempowering of illegal armed groups and other pro-Government militias; (c) equitable social and economic development, fostering job creation and strengthening the education system; and (d) an inclusive peace process.

69. Between 1 January and 30 November, 32 provincial civil society committees were established, comprising a total of 362 (74 per cent) male and 127 (26 per cent) female members. These committees advocated with authorities on the 10-point national road map for peace, the 33 recommendations contained in the summary report on phase II of the Dialogue, and the provincial road maps for peace. In line with the principle of Afghan leadership and ownership of peacebuilding initiatives, UNAMA/OHCHR played a facilitating role as the secretariat of the steering committee of the Afghan People's Dialogue on Peace and supported civil society organizations in leading an inclusive, rights-

centred advocacy process to enable the voices of Afghans to be heard and considered by the local governmental bodies and authorities as well as the National Unity Government and policymakers.

70. In 2015, the provincial advocacy committees held 278 advocacy meetings in 32 provinces to exert and encourage provincial governmental sector authorities, including governors, heads of law enforcement institutions, individuals in charge of security organs, and public service providers, to institute reforms to promote respect for human rights and the rule of law.

VI. Support to national institutions

71. In early 2015, the Subcommittee on Accreditation of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights rendered its decision on the status of the Afghanistan Independent Human Rights Commission based on its five-yearly accreditation review. It had deferred its decision for one year owing to concerns regarding the selection and appointment process for commissioners, the dependence of the Commission on international donor funding and the disparity in the ratio of female to male staff members. Following the review, the Commission retained its "status A" accreditation.

72. In 2015, the Afghanistan Independent Human Rights Commission continued to address the concerns raised by the Subcommittee on Accreditation. UNAMA/OHCHR remains committed to strengthening this critical institution and supporting the implementation of its strategic action plan. UNAMA/OHCHR urges the National Unity Government to ensure the Commission's continued independence, credibility and effectiveness.

VII. Cooperation with United Nations human rights mechanisms

73. UNAMA/OHCHR facilitated a capacity-building programme provided by an OHCHR expert to selected specialists of the Human Rights Support Unit of the Ministry of Justice on monitoring the implementation of Afghanistan's March 2015 universal periodic review recommendations. The training was aimed at increasing the capacity of the Human Rights Support Unit to address substantial gaps relating to the implementation of universal periodic review recommendations and data collection across the Government. In September, UNAMA/OHCHR recruited a national consultant to assist the Unit in that task. The consultant reviewed domestic laws in the light of international human rights norms and standards as well as indicators measuring the implementation of universal periodic review and treaty body recommendations.

74. In line with OHCHR advocacy and advice, the Human Rights Support Unit advocated for the reactivation of the Task Force Committee (formerly named the Human Rights Coordination Committee) through a regulation on support for human rights in governmental administration, which had been approved by the Council of Ministers in August 2014. The Committee is responsible for coordinating governmental efforts to assess the recommendations of national and international institutions on human rights obligations and their application within governmental organs.

75. The regulation was endorsed by President Ghani and published in the Official Gazette on 17 September 2014. The first meeting of the Committee was held on 19 January 2015. The Committee is chaired by the Minister of Justice and includes deputies from the Ministries of Defence; Interior; Foreign Affairs; Education; Finance; Women's Affairs; Public Health; Refugees and Repatriations; Information and Culture; Labour, Social

Affairs, Martyrs and Disabled; and representatives of the Attorney General's Office, the Afghanistan Independent Human Rights Commission and civil society organizations.

VIII. Conclusion

76. The security, political and economic challenges faced by the Government of Afghanistan, combined with weak rule of law institutions, persistent impunity and deeply rooted discriminatory practices affecting women, adversely impacted on the human rights situation. Throughout 2015, civilians continued to bear the brunt of the conflict. UNAMA/OHCHR documented the highest levels of civilian casualties since 2009.

77. A pervasive culture of impunity prevailed for perpetrators of human rights violations and abuses, in particular, attacks against the civilian population, violence against women, and torture and ill-treatment, killings and other forms of harm.

78. Amid ongoing violence and political instability, the Government took steps to promote and protect human rights. Key achievements included the issuance of a national action plan on Security Council resolution 1325 (2000) on women and peace and security and a national plan on the elimination of torture and the inclusion of human rights indicators and deliverables in the Self-Reliance through Mutual Accountability Framework. UNAMA/OHCHR fully supports those initiatives, which are critical to ensuring that the fundamental rights of all people in Afghanistan are protected and upheld.

79. Building a culture of human rights and protection requires a long-term political commitment by Afghan authorities at all levels and continued support from the international community. UNAMA/OHCHR will continue its efforts through 2016 and beyond to work with the Government, security organs, civil society, the international community and other relevant stakeholders, to strengthen the promotion and protection of human rights in Afghanistan.

IX. Recommendations

80. **The United Nations High Commissioner for Human Rights recommends the following:**

81. **The Government of Afghanistan should:**

(a) **Initiate and implement sound measures aimed at protecting civilians, in particular vulnerable populations, from the harms of the armed conflict;**

(b) **Strengthen structures to track, mitigate and provide accountability for civilian casualties by pro-Government forces; ensure accountability for violations of international humanitarian and human rights law and human rights abuses by the Afghan National Security Forces and pro-Government militias and allied forces and prosecute and punish those found responsible; and continue to dedicate all resources necessary to enable the full implementation of the national strategy to counter improvised explosive devices;**

(c) **Promptly disband and disarm pro-Government militias and investigate, prosecute and punish perpetrators of human rights abuses and other criminal acts, and ensure that individuals recruited into regular security forces have been adequately vetted;**

(d) **Enhance the enforcement of laws and directives to prevent and ensure accountability for underage recruitment and use of children and other grave**

violations of children's rights; and ensure implementation by national security personnel;

(e) Take concrete steps to implement the national action plan on Security Council resolution 1325 (2000) covering the period from 2015 to 2022, with dedicated human and financial resources, as well as accountability mechanisms to track and report on advancements in the women and peace and security agenda;

(f) Ensure the diligent implementation of the legal framework to protect women's rights, including freedom from violence; in particular, build the capacity of national institutions in that regard;

(g) Ensure the diligent implementation of the national plan on the elimination of torture;

(h) Invite the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment to visit Afghanistan to assist in providing a comprehensive response to prevent and address ill-treatment in detention facilities;

(i) Ensure full access for OHCHR/UNAMA and Afghanistan Independent Human Rights Commission monitors to all places of detention.

82. Anti-Government elements should:

(a) Immediately cease the deliberate targeting of civilian locations and civilians, including human rights defenders, non-governmental organization staff members, journalists and Government officials;

(b) Cease the use of indirect and indiscriminate incendiary and explosive weapons in areas populated by civilians and implement directives prohibiting the use of pressure-plate improvised explosive devices;

(c) Enforce statements by the Taliban leadership regarding the human rights of women and girls, in particular access to education, in areas under Taliban influence;

(d) Implement directives issued by the Taliban leadership ordering the protection of civilians and prohibiting attacks in civilian populated areas, and hold accountable those who target and harm civilians.

83. The international community should:

(a) Sustain support to the Government to implement its commitments under international human rights law;

(b) Support the Government in the development of a national policy on civilian casualty mitigation and the implementation of an action plan to prevent civilian casualties in the conduct of hostilities;

(c) Establish benchmarks to ensure that Afghan institutions implicated in torture or ill-treatment take steps to prevent such acts, improve oversight and build accountability;

(d) Support the Government to advance the women and peace and security agenda through the implementation of the national action plan on Security Council resolution 1325 (2000), and ensure that effective accountability mechanisms are in place to track and report on progress and the management of donor funds;

(e) Support the Government in achieving progress in the implementation of the human rights indicators and deliverables in the Self-Reliance through Mutual Accountability Framework.

United Nations A/HRC/31/47

General Assembly

Distr.: General
15 February 2016

Original: English

Human Rights Council
Thirty-first session
Agenda items 2 and 10
Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Technical assistance and capacity-building

Investigation by the Office of the United Nations High Commissioner for Human Rights on Libya

Report of the Office of the United Nations High Commissioner for Human Rights*

Summary

The present report, submitted pursuant to Human Rights Council resolution 28/30, has been prepared on the basis of an investigation carried out by the Office of the United Nations High Commissioner for Human Rights (OHCHR). It describes widespread violations of international human rights law and international humanitarian law, and abuses of human rights, perpetrated by all parties to the conflict in Libya throughout 2014 and 2015. The report also describes the situation of human rights defenders, journalists, migrants, the Tawerghan community and children, and the administration of justice in Libya in this context. It also provides an assessment of the justice sector, and describes initiatives towards accountability.

In the report, OHCHR also provides an update on technical assistance and capacity-building provided to support key institutions and civil society organizations. It concludes the report with recommendations addressed to all parties to the conflict, the Government, the international community, the Human Rights Council and the Security Council.

* The information contained in the present report should be read in conjunction with the conference room paper containing the detailed findings of the investigation of the Office of the United Nations High Commissioner for Human Rights on Libya (A/HRC/31/CRP.3).

GE.16-02104(E)

Please recycle

Contents

		Page
I.	Introduction	3
	A. Mandate	3
	B. Methodology	3
II.	International legal framework	4
III.	Context	4
IV.	Armed actors in Libya	5
V.	Patterns of violations and abuses	5
	A. Unlawful killings and executions	5
	B. Attacks on civilians and civilian objects, and other protected persons and objects	6
	C. Arbitrary detention, abductions and disappearances	7
	D. Torture and other ill-treatment	8
	E. Gender-based violence and discrimination against women	8
	F. Economic, social and cultural rights	9
	G. Administration of justice	10
	H. Human rights defenders and journalists	11
	I. Migrants	11
	J. Tawerghan community	12
	K. Children	12
VI.	Overall findings	13
VII.	Assessment of the justice sector, and moving towards accountability	14
VIII.	Update on technical assistance	16
IX.	Recommendations	16

I. Introduction

A. Mandate

1. On 27 March 2015, the Human Rights Council adopted its resolution 28/30, in which it requested the United Nations High Commissioner for Human Rights urgently to dispatch a mission to investigate violations and abuses of international human rights law committed in Libya since the beginning of 2014, and to establish the facts and circumstances of such abuses and violations with a view to avoiding impunity and ensuring full accountability, and to submit to the Council a written report on its findings, which should also contain an update on technical assistance, capacity-building and cooperation with the Government of Libya, with recommendations for future capacity-building needs that include but are not limited to the justice system and accountability.

2. In accordance with the mandate, the mission focused the investigation on violations and abuses committed from 1 January 2014, and examined the actions of both State and non-State actors. During the investigation, the Office of the High Commissioner (OHCHR) received information concerning individuals with alleged responsibility for violations and abuses. That information has been retained on a strictly confidential basis.

B. Methodology

3. The Government of Libya[1] expressed its support for the investigation and offered assistance should the OHCHR investigation team[2] conduct missions to Tobruk and Al-Baida, for which the High Commissioner is grateful. Owing to the security situation, only a one-day visit to Tripoli, limited to the airport, was possible. A list of questions was dispatched to the Government, although no response had been received as at January 2016.

4. The High Commissioner expresses his appreciation to the Government of Tunisia for hosting the team in Tunis, made necessary by the continuing difficult security environment in Libya. Fact-finding activities were largely undertaken through missions and remote contact with individuals in Libya. The team undertook missions in Tunisia and to Libya, Egypt, Turkey, Jordan and Italy, and facilitated the travel of some victims and witnesses to Tunis. The team met with more than 250 interlocutors, including more than 200 victims and witnesses. A public call for submissions was issued in July 2015 and disseminated to States Members of the United Nations in August and September 2015. OHCHR received 66 submissions containing more than 900 individual complaint files. The team coordinated closely with the United Nations Support Mission in Libya (UNSMIL) and sought inputs from the national human rights institution of Libya, the National Council for Civil Liberties and Human Rights and special procedure mandate holders (from whom a coordinated response was received). The team also sought information from other United Nations entities. The United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), the United Nations Development Programme and the Operational Satellite Applications Programme (UNOSAT) also provided valuable assistance.

---

[1] At the time of the investigation, conducted from July to December 2015, there were two separate authorities in Libya. In the present report, the "Government of Libya" refers to the internationally recognized authorities at the time, which were based in Tobruk/Al-Baida.

[2] The team consisted of six human rights officers (a coordinator, three human rights investigators, a legal adviser and a gender adviser) and translation, security and administrative staff.

5. Besides the limited access to Libya, another challenge faced by the investigation team was the hostile environment for those raising human rights issues. The political divisions in Libya and the fact that most international organizations are operating remotely also had an impact on investigations. OHCHR was nonetheless able to gather a substantial body of information leading to the finding that there are reasonable grounds to believe that gross violations of international human rights law, serious violations of international humanitarian law and serious abuses of human rights have been committed in Libya. The High Commissioner stresses the need for ongoing international attention to ensure the effective, prompt and thorough investigation of these violations and abuses, and that those responsible are held accountable.

II. International legal framework

6. The investigation was carried out considering Human Rights Council resolution 28/30 as a whole and taking into account the approach of previous investigative missions mandated by the Human Rights Council. The investigation was conducted within the framework of all relevant international legal norms, including international human rights law, international humanitarian law and international criminal law.

III. Context

7. Still recovering from the Qadhafi period and the armed conflict of 2011, Libya experienced a dramatic decline in its political and security situation in 2014 and 2015, amidst competing legislatures, divided State security institutions and forces, and multiple armed groups, with devastating effects for the population.

8. In the east, in May 2014, retired General Khalifa Haftar launched *Al Karamah* ("Operation Dignity"), reportedly to eradicate "radical terrorist" groups from eastern Libya. An alliance of groups, including Ansar al-Sharia, joined the Benghazi Revolutionaries Shura Council to fight forces deployed under Operation Dignity. As at December 2015, hostilities were still ongoing. In the west, heavy fighting erupted in Tripoli in July 2014. Originally focused on control of Tripoli international airport, Misrata-based armed groups together with armed groups from Tripoli, Al-Zawiya, Zuwara and other towns launched the *Fajr Libya* ("Libya Dawn") campaign against armed groups affiliated with Zintan. Thereafter, Libya Dawn gained control of Tripoli as armed groups from Zintan withdrew. Libya Dawn expanded to the Warshafana region, and launched counter-offensives in the Nafusa Mountains area. Ceasefire agreements in 2015 have since reduced the intensity of clashes in the west.

9. In 2014 and 2015, tribal armed groups engaged in localized hostilities in the south, particularly in Sabha, Awbari and Al-Kufra. Armed conflicts in the north also spilled over to the south, with some groups allying with Operation Dignity or Libya Dawn.

10. In the meantime, groups pledging allegiance to Islamic State in Iraq and the Levant (ISIL) further emerged as a force, particularly in Derna, Sirte and Benghazi. In addition to prompting responses by the Libyan National Army aligned with Operation Dignity and a number of armed groups, Egypt and the United States of America engaged in air strikes targeting these groups.[3]

[3] See Aswat Masriya, "Egypt's Military Strikes ISIS in Libya", 16 February 2015, *Egyptian Streets*, and "U.S. Airstrike Targets Senior ISIL Leader in Libya", United States Department of Defense, 14

11. Political divisions deepened in Libya in 2014 and 2015, resulting in the formation of administrations in both the east and the west. In June 2014, elections were held for a new legislature, the House of Representatives, which confirmed the established Government. Owing to the precarious security situation in Tripoli, in August 2014, the Government, led by Prime Minister Abdullah Al-Thani, moved to Al-Baida. The House of Representatives commenced its sittings in Tobruk. The previously established legislature, the General National Congress, then re-convened, and parallel ministries were established in Tripoli. The House of Representatives endorsed Operation Dignity, while the General National Congress supports the Libya Dawn campaign. Following a year-long political dialogue, the Libyan Political Agreement to establish a Government of National Accord was signed on 17 December 2015.

IV. Armed actors in Libya

12. The current situation should be considered against the background of the rise of "revolutionary" armed groups during the 2011 armed conflict, and the lack of progress in vetting and integrating those groups into formal security forces. Many groups were placed under the nominal authority of the Ministries of Defence, the Interior or Justice, received salaries from the State and, in some cases, given law enforcement and custodial functions. Armed groups appear, however, to have continued to operate with significant autonomy, including by maintaining their own command structure. The number and membership of such groups have increased substantially. They have consolidated effective control over large territorial areas, strategic installations and State institutions. In particular, armed groups are in control of many detention facilities. The already fragmented Libyan National Army has been further divided, with opposing authorities recognizing different commanders.

13. The major armed actors active in Libya include Operation Dignity (comprising the Libyan National Army and armed groups aligned with General Haftar); Shura Councils, including Ansar al-Sharia opposed to Operation Dignity; Libya Dawn (comprising Libya Shield Forces and other armed groups); a coalition of armed groups opposing Libya Dawn; tribal armed groups (particularly in the south); and groups pledging allegiance to ISIL.

V. Patterns of violations and abuses

A. Unlawful killings and executions

14. OHCHR documented a number of unlawful killings, in particular the execution of individuals taken captive or detained/abducted, and assassinations of those voicing dissent. Reports of unlawful killings were documented in all conflict areas and by most major groupings of armed actors.

15. In eastern Libya, OHCHR documented six cases in which individuals alleged to be members or supporters of Ansar al-Sharia were executed after their arrest or capture by forces aligned with Operation Dignity. In five of the cases investigated, the families only became aware of the death of their relatives through photographs posted on social media. One member of the Libyan National Army confirmed having received specific orders from a superior to kill captured Ansar al-Sharia operatives. Some fighters who surrendered were

November 2015.

also killed. OHCHR received information of two similar executions carried out by groups affiliated with Libya Dawn, though was unable to verify them.

16. OHCHR investigated seven cases relating to the assassination of perceived opponents to those exercising power, six of which were committed in Benghazi. Responsibility for the assassinations was most commonly attributed by interviewees to Ansar al-Sharia. Of those targeted, four were human rights defenders, one a judicial actor and two alleged Qadhafi supporters.

17. Groups pledging allegiance to ISIL have engaged in the public execution of civilians and persons placed hors de combat, mainly in Sirte and Derna, though also in other areas. Examples include the beheading of a group of men, including 20 Egyptian Coptic Christians, in early 2015, and the killing of captured fighters in August 2015 whose bodies were subsequently desecrated and publically displayed.

18. Unlawful killings were also reported in Sabha and Awbari in the south, including the shooting of several individuals defending their homes from raids or appropriation by rival tribal armed groups.

B. Attacks on civilians and civilian objects, and other protected persons and objects

19. International humanitarian law requires that parties direct their attacks only against legitimate military objectives, respecting the principles of distinction, proportionality and precaution. Many attacks during the conflict in 2014 and 2015 appear to have been indiscriminate in nature, with a particular impact on highly populated residential areas, including in Benghazi, Tripoli, Warshafana, the Nafusa Mountains areas, and in the south. Measures taken to protect civilians were insufficient. Heavy weaponry, such as Grad rockets, which are not appropriate for use in highly populated residential areas given that they cannot target with sufficient precision, have been employed. OHCHR was unable to determine the parties responsible for many specific attacks owing to the limitations to access and information and the similarity of the weapons being employed by the parties to the conflict in Libya. OHCHR did, however, receive reports of indiscriminate attacks in all conflict areas.

20. In one case investigated by OHCHR, two children were killed when on 26 April 2015 a residential building in the Al-Hada'eq neighbourhood of Benghazi was hit by a rocket. In May 2015, three children were killed and two injured when a shell struck a house in Balo'n, in the Al-Fuweihat neighbourhood of Benghazi. It was reported that there was no fighting in either area at the time of the attacks, nor were there any known military objectives being pursued.

21. Indiscriminate attacks also took place in Tripoli and other areas, such as Warshafana and the Nafusa Mountains, including Kikla. In one case, a rocket said to have been launched by Libya Dawn groups in Al-Hashan, a neighbourhood south of Warshafana, hit a car containing a family seeking to escape the shelling, killing three family members. Armed groups affiliated with Zintan were also reported to be using weaponry unsuited for precise targeting in highly populated residential areas, such as Grad rockets, tanks, anti-aircraft weaponry and mortar shells.

22. Groups pledging allegiance to ISIL have conducted suicide bombings, which have been indiscriminate in their effects. In one case, in Al-Qubba, in February 2015, a vehicle loaded with explosives was used to target a national security directorate. Two explosions caused the death of many civilians nearby.

23. The south has not been spared. In one case investigated by OHCHR, in December 2014, two Tabu children were seriously injured when a shell struck their house in Al-Daisa, a neighbourhood east of Awbari. As in other similar cases, no hostilities were reported in the neighbourhood at the time, nor is OHCHR aware of any military objectives being pursued at that location.

24. The conflict witnessed attacks against or otherwise with an impact on other persons and objects given protection under international humanitarian law, including health facilities, ambulances, medical personnel and humanitarian workers. Attacks were documented, for instance, against the Tripoli Medical Centre by the "Al-Tajeen Brigade", an armed group affiliated with Libya Dawn and against the Al-Zawiya hospital by Warshafana armed groups. Shelling struck other facilities, including the Al-Zahraa City hospital. Reports were also received of attacks against ambulances marked with the distinctive Red Crescent symbol in the area around Al-Kufra by Brigade 448. OHCHR documented cases of abduction and hostage-taking of humanitarian workers by members of an Al-Magarha armed group in the south.

25. Private property was appropriated, looted and deliberately destroyed in conflict areas. OHCHR investigated four cases in Benghazi in which individuals of western origin had their property taken or destroyed by armed groups affiliated with Operation Dignity, including the Awliaa al-Damm armed group. Similar reports were received relating to groups affiliated with Libya Dawn in the Warshafana area. Reports were also received of the appropriation and destruction of property by groups pledging allegiance to ISIL.

C. Arbitrary detention, abductions and disappearances

26. It is estimated that more than 9,000 people are currently detained in facilities operated by the Ministry of Justice and the Department for Combating Illegal Migration of the Ministry of the Interior.[4] This figure does not include the significant number of people detained elsewhere, such as in other facilities operated by the Ministry of the Interior, the Ministry of Defence and/or those operated by armed groups.[5]

27. OHCHR interviewed former detainees who had been arbitrarily detained. Few of those arrested were charged with any criminal offence. Some were unaware of the reasons for their arrest or detention. Virtually none had access to rights of due process and most were denied other rights, such as contact with their families. One example related to a 54-year-old man detained in and around Benghazi in May 2014 by the Libyan National Army aligned with Operation Dignity, reportedly because he was from Derna, and thus presumed to be associated with ISIL.

28. Given the limited functioning of courts, there is little recourse to judicial review of the legality of detentions. Even when recourse is available, court orders for release have not always been effective. In one case investigated by OHCHR, in January 2014, a judge

[4] According to the judicial police, as at March 2014, some 6,200 people (including 80 to 90 women and 10 children) were being held in facilities run by the Ministry of Justice, while the Office of the United Nations High Commissioner for Refugees (UNHCR) and IOM estimated that, as at May 2015, 3,245 people (329 women and 34 children) were being held in facilities operated by the Department for Combating Illegal Migration.

[5] In the present report, the term "detention" is intended to reflect deprivation of liberty by both State officials and armed groups, given that armed groups remain in control of many facilities and that many armed groups were theoretically brought under the purview of government ministries during the integration processes carried out after 2011.

ordered the release of a man in Tripoli. On his way home, however, the man was re-apprehended by the Tripoli Revolutionaries Brigade and returned to the detention facility.

29. In some cases, individuals were abducted for potential ransom or prisoner exchange. One man from Warshafana reported that he was abducted in November 2014 by an armed group and taken to a facility in Sidi Bilal. His family paid an agreed sum for his release. In other cases, people were held until exchanged for individuals held by an opposing group.

30. Armed groups in particular also control secret or unrecognized detention facilities. OHCHR investigated a number of disappearances attributed to State forces and armed groups[6] after the launch of Operation Dignity and Libya Dawn. The cases included the disappearance, on 20 October 2014, of Abd al-Nasser al-Jeroushi, a prosecutor in the South Benghazi Court. He is understood to have been abducted by an armed group at a checkpoint under the control of the Al Sai'qa battalion of the Libyan National Army, and has not been seen or heard of since. In April 2015, the Ministry of Justice informed UNSMIL that he was being held at an unofficial detention facility in Al-Marj, although the Attorney-General's office reported to OHCHR that it was unable to confirm his whereabouts.

D. Torture and other ill-treatment

31. OHCHR documented numerous cases of torture and other forms of cruel, inhuman or degrading treatment or punishment, particularly of individuals in detention facilities. Individuals suffered beatings with plastic pipes or electrical cables, prolonged suspension in stress positions, solitary confinement, incommunicado detention and electrocution. Many were also deprived of adequate food or water, were subjected to threats of a sexual nature, or to the extortion of payment in exchange for freedom. Torture was frequently reported by detainees as having been perpetrated at the time of arrest, during apprehension or questioning during interrogations, or during detention in facilities operated by the State and/or armed groups, as well as in makeshift facilities.

32. Torture has resulted in the death of detainees in various facilities, including at the Al-Birsis facility, the military police facility in Al-Abyar, the Military Intelligence Battalion base in Al-Rajma, Al-Sai'qa military base in Bu'atni, and in a facility reportedly operated by the Tripoli Revolutionaries Brigade.

33. OHCHR observed a lack of redress for alleged cases of torture and other ill-treatment. One illustrative case was that of a man, arrested in June 2014 by the Criminal Investigations Department of Al-Marj. On the day after his arrest, his body, which reportedly showed signs of torture, was transferred to Al-Abyar hospital. The autopsy report concluded that severe internal bleeding had been the cause of his death. The Prosecutor from Al-Marj sought to question an official on the incident. OHCHR understands that the Ministry of the Interior denied the request, and the case was closed.

E. Gender-based violence and discrimination against women

34. There has been a series of attacks by armed groups against women promoting equality, social justice and accountability in Libya. The assassination of activists, such as Salwa Bugaighis, Fareeha Al-Berkawi and Intissar Al-Hasaeri, and the threats, harassment

[6] In the present report, the term "disappearance" refers to enforced disappearances committed by the State as well as disappearances committed by armed groups. It is intended to reflect both the various legal regimes applicable to enforced disappearances and the factual complexity in Libya vis-à-vis the status of armed groups, many of which were theoretically brought under State ministries.

and assaults suffered by others appear designed to send a broader message that women should not be vocal in the public sphere.

35. OHCHR staff spoke with a number of women who reported that they had been subjected to sexual violence but did not wish to provide detailed accounts or have their stories shared publicly for fear of retaliation, perceived stigma, family pressure or trauma. OHCHR documented the case of one woman who was abducted in Tripoli by an armed group affiliated with Libya Dawn, drugged and raped repeatedly over a period of six months. She also provided information according to which six girls as young as 11 years of age had been subjected to sexual violence by members of the same group.

36. Many women reported greater challenges to their fundamental rights, such as freedom of movement or the right to work, following the armed conflict of 2011. Some drew attention to religious decrees issued by the Mufti of Libya questioning the equality of men and women as evidence of the entrenchment of a rigid ideology that, when implemented, is harmful to women's rights. Women in Tripoli and Benghazi experienced difficulties in exercising such rights as freedom of movement owing to the requirement that they be accompanied by "male guardians". Six women reported difficulties in obtaining basic civil services in Tripoli, such as identification documents, and 12 women described restrictions placed upon their ability to work.

37. In areas controlled by groups pledging allegiance to ISIL, some women reported having been confined to their home owing to the fear of being exposed to harassment, abduction and servitude. Older girls and women were not allowed to leave their house without being fully covered up, including covering their face (*niqab*). Some women reported that they were no longer able to work or to be seen without a male guardian for fear of reprisals by groups pledging allegiance to ISIL or Ansar al-Sharia.

38. OHCHR also interviewed six women whose access to justice was curtailed out of their fear of retaliation by armed groups controlling relevant facilities and territories, particularly when reporting crimes committed by the groups.

F. Economic, social and cultural rights

39. Enjoyment of economic, social and cultural rights further declined in Libya in 2014 and 2015. Most of the causes related to the conflict, although the situation appears to have been compounded by the economic situation and specific budgetary and planning decisions made by the Government. Women, internally displaced persons, children and migrants were particularly affected. Fighting in and around urban areas has led to the destruction of homes and triggered large-scale displacement; according to UNHCR, the number of internally displaced persons increased sharply from 80,000 in May 2014 to 435,000 in May 2015.

40. According to the Office for the Coordination of Humanitarian Affairs, as at September 2015, 1.9 million people in Libya required essential humanitarian aid in order to meet basic health-care needs. The security situation, including attacks against or with an impact on health facilities, health-care and humanitarian workers, and the departure of foreign medical personnel owing to the violence have been the dominant causes of disruption to health care. Access to health care has also apparently been compromised by the Government's limited investment in infrastructure and programme delivery budget cuts. Structural and administrative deficiencies regarding emergency preparedness and coordination also had an impact on the response.

41. Access to education has been significantly curtailed, particularly in the east; for example, the Office for the Coordination of Humanitarian Affairs estimated in September

2015 that 73 per cent of all schools in Benghazi were not functioning. Schools have been either damaged, destroyed, occupied by internally displaced persons, converted into military or detention facilities or are otherwise dangerous to reach. OHCHR investigated the case of a primary school in Benghazi that had been used as a base and detention facility by an armed group. Children residing in camps for the internally displaced and children with disabilities face particular challenges in their access to education.

42. According to the Office for the Coordination of Humanitarian Affairs, food insecurity affects some 1.2 million people in Libya. In addition to the effects of the conflict, the Government's decision to reduce or cut food subsidies in November 2015 had an adverse impact on access to food. Furthermore, major water networks have been disrupted, which has affected access to safe drinking water, sanitation and hygiene. OHCHR investigated one case in Al-Sasiriyah where the water supply was apparently deliberately cut by an armed group.

G. Administration of justice

43. Judges and prosecutors were at risk of murder, court bombings, assaults and abductions throughout 2014 and 2015. At times, attacks were linked to specific demands, such as the detention or release of certain individuals, or to thwart the arrest and prosecution of armed group members. As a result, courts in Derna, Sirte and Benghazi ceased their activities in 2014; some courts in parts of Benghazi reopened, though only to a limited extent, in 2015. Courts in Tripoli temporarily suspended activities during the fighting in mid-2014.

44. On the basis of the information received, OHCHR assesses that the system for providing security for judicial actors through the Judicial Police is inadequate and flawed. The Judicial Police includes in its ranks thousands of members of armed groups integrated without any comprehensive vetting programme. According to information received by the UNSMIL Human Rights Division, which is supported by OHCHR, only about half of Judicial Police officers reported for duty during the fighting in 2014. Even at full strength, the Judicial Police force lacks the capacity and equipment to repel well-armed attacks. In many facilities, control is effectively exercised by armed groups. In the absence of proper protection, the judiciary cannot deliver justice. As a former Minister of Justice told OHCHR, "a frightened judge cannot rule".

45. Since the armed conflict in 2011, thousands of individuals remain detained. According to the Ministry of Justice, as at March 2014, only 10 per cent of the 6,200 people held in its detention facilities were serving prison sentences following a trial. The vast majority continue to be held without having had their cases properly examined to determine whether sufficient evidence exists for them to be charged or released. It is believed that the number of conflict-related detainees increased during 2014 and 2015.

46. Owing to the collapse of the criminal justice system in many parts of Libya, victims have little recourse to protection, or to an effective remedy for violations and abuses. UNSMIL/OHCHR previously reported that little action had been taken to open prompt, thorough, effective, impartial and independent investigations and to bring perpetrators to justice.[7] To date, there have been very few investigations and no prosecution of leaders or members of armed groups relating to the events of 2014 and 2015. There is also concern that judicial actors have become compromised by succumbing to pressure from armed

[7] See UNSMIL and OHCHR, "Human rights defenders under attack", 25 March 2015.

groups, and that the system is politicized by events such as the appointment of judges by the General National Congress, whose authority is disputed.

H. Human rights defenders and journalists

47. Human rights defenders have been subjected to particular violations and abuses, including assassination, attempted murder, abduction, threats, surveillance, and raids on their homes and offices. Cases of this type have been witnessed predominantly in Benghazi and Tripoli. The cases that OHCHR documented were most commonly attributed by interviewees to armed groups affiliated with Ansar al-Sharia or Libya Dawn. The fear generated by such actions and the impunity enjoyed by perpetrators have forced many to go into hiding or to flee, and threaten to silence independent voices.

48. Many attacks have targeted high-profile activists, producing a chilling effect on the work of other human rights defenders. Lawyer and human rights activist Salwa Bugaighis was killed in Benghazi on 25 June 2014 (on the same day as elections for the House of Representatives), and her husband was disappeared. The perpetrators remain unidentified; the main witness died in police custody. The Prosecutor initially working on the case was abducted and remains missing. OHCHR documented other cases, including the assassination of human rights defenders Tawfik Ben Sa'ud and Sami Al-Kawafi, who were shot dead on 19 September 2014. OHCHR also received eight reports of human rights defenders receiving threatening telephone calls and text messages, as well as, in several cases, being subjected to arbitrary detention or attempted assassination.

49. The national human rights institution of Libya, the National Council of Civil Liberties and Human Rights, has been subjected to attacks in the form of raids on its office and threats against its staff, and has been reduced to minimal functioning.

50. Journalists have faced serious harassment and death threats; some have been subjected to arbitrary detention, abduction and attempted assassination. Female journalists have also been targeted on the basis of their gender. The deaths of several journalists reported to OHCHR require further investigation. Media offices have been raided and attacked. Journalists also face criminal prosecution for defamation and libel for writing on political matters.

I. Migrants[8]

51. Subject to exploitation and abuse by authorities, armed groups and smugglers, migrants are particularly at risk in Libya. Cases of prolonged arbitrary detention and other deprivation of liberty, torture and ill-treatment, forced labour and exploitative labour practices, extortion, trafficking and sexual violence, were all reported in the interviews conducted by OHCHR. Sub-Saharan Africans are at a heightened risk of abuse and racial discrimination. Migrant women have faced sexual violence and exploitation both in and outside detention facilities.

52. Libya has long had a considerable population of migrant workers. It is also a transit country on the migration routes from East and West Africa to Europe. UNHCR estimate

[8] OHCHR has defined an "international migrant" as "any person who is outside a State of which he or she is a citizen or national, or, in the case of a stateless person, his or her State of birth or habitual residence". See OHCHR, *Recommended Principles and Guidelines on Human Rights at International Borders*, 2014, p 4.

that between January to mid-October 2015, more than 140,000 individuals arrived in Italy by sea, the majority of whom departed from Libya.

53. According to the International Organization for Migration (IOM), 3,770 individuals died in 2015 attempting to cross the Mediterranean.[9] Many of the journeys are undertaken on dangerously overcrowded and ill-equipped boats, often resulting in scores of deaths. In addition to death by drowning, suffocation due to the conditions on board was also reported. A Sudanese woman who took the boat from Zuwara to Italy in August 2015 informed OHCHR that 35 individuals, forced to sit in a room on the lower deck with no ventilation, had perished on her boat.

54. A large number of migrants are currently detained in Libya without access to judicial review. According to UNHCR and IOM, as at 4 May 2015, there were at least 3,245 migrants detained in facilities in western Libya alone, including 329 women and 34 children.[10] Detention conditions are inadequate, often characterized by chronic overcrowding, poor sanitation and health care, and insufficient food. Violence is endemic. A Nigerian man held in a centre in Gheryan reported: "a man spilled his soup. One of the guards took out a gun and shot him dead". OHCHR received credible information concerning the incidence of sexual and gender-based violence against migrants both in detention centres and outside, as well as an increase in female victims of trafficking arriving in Europe through Libya.

J. Tawerghan community

55. In addition to the difficulties that internally displaced persons encounter in enjoying their rights, groups perceived as having supported the Qadhafi regime during 2011 are at particular risk of human rights violations and abuses. OHCHR received the greatest number of reports of violations and abuses from members of the Tawerghan community, which has been displaced since the attack by Misrata-based armed groups on Tawergha in August 2011.

56. Although progress was witnessed in 2015 in the dialogue between Misratan and Tawerghan communities to allow for safe returns and reparation (including adoption of a road map in December), OHCHR received reports of difficulties associated with the community's continuing displacement, including reduced livelihoods, ethnic discrimination and limited access to education and health services. Tawerghans reported being subject to a greater risk of arbitrary detention and ill-treatment, especially by Misrata-based armed groups.

K. Children

57. Besides being exposed to the threats posed by armed conflict, children in Libya face significant challenges in enjoying their rights.

58. Access to education has been limited by the reduced availability of schools. In addition, in many areas where schools remain open, parents refrain from sending their children to school for fear of injury to them during attacks. In areas controlled by Ansar al-Sharia, some parents described being afraid to send their girls to school for fear of

[9] IOM, Missing Migrants Project, "Mediterranean Sea: Data of Missing Migrants, Deaths in the Mediterranean by month, 2014 and 2015".

[10] Under international human rights law, the detention of children should be a measure of last resort, and for the shortest appropriate period of time.

abductions. In areas controlled by groups pledging allegiance to ISIL, OHCHR received reports that girls were not allowed to attend school or were permitted only if wearing a full-face veil. OHCHR also received reports of girls being attacked and harassed by armed groups on their way to school in Tripoli.

59. OHCHR received information on the forced recruitment and use of children in hostilities by groups pledging allegiance to ISIL. OHCHR interviewed two boys, aged 10 and 14 years, who had been forcibly taken from their families. They had been forced to undergo religious and military training and to watch videos of beheadings. They were also sexually abused. One boy interviewed by OHCHR, who was "attached in service" to a foreign fighter and was responsible for cleaning clothes and delivering food, reported that, most evenings, "I knew what I had to do, I had to take my clothes off and turn around and bend over facing the wall". According to a press report, the "Islamic State" in Sirte welcomed the "graduation" of 85 boys below the age of 16, describing them as the "Khilapha [Caliphate] Cubs".[11] OHCHR also documented a case in which a child was used to detonate a bomb in a vehicle by a group pledging allegiance to ISIL in Derna, in June 2015.

VI. Overall findings

60. On the basis of the information collected and analysed, there are reasonable grounds to conclude that there were widespread violations of international human rights law and international humanitarian law, and abuses of human rights in Libya throughout 2014 and 2015. These acts, which were committed by all parties to the conflict in Libya, included unlawful killings and executions; indiscriminate attacks, with an impact on civilians and civilian objects; attacks against and attacks having an impact on persons and objects protected under international humanitarian law; unwarranted destruction, appropriation and looting of private property; cases of arbitrary detention, abduction and disappearances, including enforced disappearances; torture and other cruel, inhuman or degrading treatment or punishment; sexual and gender-based violence, and other forms of gender-based discrimination; and violations of economic, social and cultural rights.

61. Judicial actors and court facilities have been attacked. Human rights defenders and journalists have been subject to intimidation and attacks, including assassinations. Women have faced additional repressive measures curtailing their freedoms. Migrants have been arbitrarily detained or deprived of their liberty, frequently in inhumane conditions, and subjected to financial exploitation and forced labour. Tawerghan community members have been subjected to discrimination, and reported having been subjected to arbitrary detention and ill-treatment. Children have faced challenges to their enjoyment of their rights, including education. Groups pledging allegiance to ISIL have forcibly recruited and used children in hostilities and, in some cases, subjected them to sexual abuse.

62. Violations and abuses have not been limited to one area of Libya or to one actor; OHCHR documented such acts having also been perpetrated by State actors and armed groups, some of which affiliated with Libya Dawn or Operation Dignity. Other groups may be acting independently. Some actors were named with particular frequency during the investigation as being responsible for violations and abuses, including Operation Dignity forces and armed groups, such as the Al-Sai'qa Brigades of the Libyan National Army and Awliaa al-Damm; armed groups affiliated with Libya Dawn; Ansar al-Sharia; groups pledging allegiance to ISIL; and tribal armed groups in the south. Allegations were

[11] See Saber Ayyub, "IS to graduate 85 suicide 'Caliphate Cubs' in Sirte tomorrow", *Libya Herald*, 3 December 2015.

nonetheless not limited to these particular groups; other non-State actors, such as smugglers, also committed human rights abuses.

63. There appears to be no effective oversight or accountability in Libya in relation to the commission of violations and abuses. No party to the conflict appears to have been exercising its responsibilities to address violations or abuses, nor have State authorities exercised their responsibilities to provide effective remedies to victims, to prevent future violations or abuses and to ensure non-repetition.

64. Many of the violations and abuses documented may amount to war crimes and other crimes under international law. With regard to war crimes, they included subjecting persons taking no active part in hostilities to violence to life and person (including murder, mutilation, cruel treatment and torture); the taking of hostages; executions without any prior pronouncement of a judgement by a regularly constituted court; directing attacks against the civilian population; directing attacks against buildings, medical units and transport and personnel bearing distinctly the emblems of the Geneva Convention; intentionally directing attacks against humanitarian personnel; pillaging; rape and other forms of sexual violence; the conscription or enlistment of children under the age of 15 years or using them to participate actively in hostilities; and destroying or seizing the property of an adversary.

65. The above-mentioned acts should be immediately and fully investigated as part of a comprehensive criminal investigation, and those responsible should be brought to justice.

VII. Assessment of the justice sector, and moving towards accountability

66. The justice system has been significantly compromised by the security situation and structural weaknesses. Both aspects require attention to ensure access to justice and consolidation of the rule of law. Building on the reforms commenced after 2011, it is important that efforts be renewed to strengthen the justice system.

67. The sheer number of allegations of gross violations of international human rights law, serious violations of international humanitarian law and serious abuses of human rights, and the fact that they have been committed by so many different parties in disparate geographical areas, present enormous challenges, in particular in overcoming the prevailing impunity and fostering accountability.

68. Criminal justice accountability in Libya is currently being pursued through both the International Criminal Court and the Libyan justice system.

69. In its resolution 1970 (2011), the Security Council referred the situation of Libya to the Prosecutor of the International Criminal Court. The Prosecutor of the Court affirmed her belief that the crimes under international law committed in 2014 and 2015 fell within the purview of the referral. The Prosecutor also noted, however, that capacity to pursue these cases had been hampered by resource constraints.[12] The High Commissioner supports resourcing the Court further to enable it to expand its investigations into the events since 2014 as vital for breaking the cycle of impunity in Libya. It is however clear that the Court is not designed to address, and will never be able to pursue, such a large number of cases relating to crimes under international law arising in Libya.

[12] Tenth report of the Prosecutor of the International Criminal Court to the Security Council pursuant to Council resolution 1970 (2011), 26 October 2015, para. 43.

70. While the Government bears primary responsibility for investigating and prosecuting those responsible for serious violations and abuses, it appears that the justice system does not presently have the means or capacity to be able to conduct prompt, independent and credible investigations into allegations or to prosecute those responsible in a manner consistent with human rights. Challenges relate to the lack of protection for judicial actors, victims and witnesses; limitations in the legal framework and the capacities of the judicial system; and, in some quarters, the lack of confidence in the ability of the justice system to render impartial justice, particularly in "political cases" relating to the conflict.

71. Priority actions needed include addressing the security threats to the administration of justice, particularly by armed groups, and reform of the judicial police (including comprehensive vetting in accordance with standards of due process, and ensuring appropriate training and equipment) so that it can provide effective and impartial protection for judicial actors and court facilities. Robust victim and witness protection is required to allow individuals to come forward with information and to engage in proceedings.

72. Continued reform of the Penal Code and the Code of Criminal Procedure is important to ensure that crimes under international law are criminalized under domestic law, and that provision is made for the differing modes of criminal responsibility recognized in international law (including command and superior responsibility). Personnel could be further trained in investigation, prosecution and adjudication of crimes under international law. Given the large number of cases arising in 2014 and 2015, effective case selection and management systems should be established.

73. Trust in the ability of the justice system to render justice must be re-established. Members of the judiciary and other judicial actors should undergo a further process of vetting in accordance with standards of due process, focusing on the removal of persons with responsibility for corruption, bias, incompetence or the commission of human rights violations or abuses. More generally, further measures should be taken to ensure the independence of the judiciary and of investigations; to build the capacity of justice system actors (including the Ministry of Justice); to strengthen the provision of legal services; to increase public access to laws; and to monitor performance. A plan of action addressing the justice sector should be devised and implemented accordingly.

74. In order to maximize the quality and efficiency of proceedings and of technical assistance programmes in this area, the Government might consider creating a specialized judicial structure within Libyan courts to focus on crimes under international law. The structure would need to be supported by specifically appointed judges, prosecutors, investigators and lawyers. Its design would have to take into account security concerns, including with regard to deciding on its location. Consideration could also be given to initially embedding foreign advisers or experts to work in tandem with Libyan officials.

75. Significant discussion would be needed to further such efforts. The High Commissioner therefore supports the convening of a high-level meeting to bring together Libyan actors and international partners to discuss initiatives to foster accountability for the gross violations of international human rights law, serious violations of international humanitarian law and serious abuses of human rights committed in Libya, including those that may amount to crimes under international law.

76. In addition to criminal investigations and prosecutions, steps should be taken to reinvigorate other transitional justice mechanisms, including truth-seeking, reparations and institutional reform. The measures taken since 2011 (including the law on transitional justice, the law on political and administrative isolation and amnesty laws) should be reviewed to ensure compliance with international human rights standards and appropriate coverage of the events of 2014 and 2015.

77. The High Commissioner also supports the listing of individuals responsible for planning, directing or committing acts that violate applicable international human rights law or international humanitarian law, or acts that constitute human rights abuses under the sanctions regime of the Security Council,[13] while urging that sanctions imposed be accompanied by rigorous procedural safeguards to guarantee minimum standards of due process.

VIII. Update on technical assistance

78. In 2015, the UNSMIL Human Rights Division, supported by OHCHR, continued to advise Libyan counterparts on international human rights and rule of law standards. UNMSIL/OHCHR supported the Libyan political dialogue process, and provided technical assistance on the inclusion of human rights provisions. Ongoing technical assistance has been extended to a joint Tawergha/Misrata committee to address issues that include the safe return of Tawerghans to their homes, reparations, accountability of perpetrators and the reconstruction of Tawergha.

79. UNSMIL/OHCHR gave advice to the Constitutional Drafting Assembly on human rights provisions, including during a workshop with some members of the Assembly in Geneva in February 2015. In November 2015, a meeting was organized for directors of Libyan rehabilitation and correction institutions, which led to the adoption of a new Code of Ethics and Conduct for the personnel of such institutions. UNSMIL/OHCHR contributed to sessions on human rights monitoring and reporting standards during workshops in Tunisia organized by partner organizations, for personnel from the National Council for Civil Liberties and Human Rights as well as civil society organizations. In August 2015, UNSMIL/OHCHR convened a meeting of Libyan civil society organizations to learn from comparative experiences of peacebuilding.

80. Once the Government of National Accord is established, it is expected that the United Nations will be able to increase its capacity-building activities.

IX. Recommendations

81. **Recognizing the urgent need to bring an end to the widespread human rights violations and abuses being committed in Libya, and to provide for justice and accountability, the High Commissioner appeals to all parties to the conflict promptly to cease hostilities and to support the establishment of a Government of National Accord, to move towards a State based on respect for human rights and the rule of law.**

82. **Accordingly, the High Commissioner recommends that all parties to the conflict:**

(a) **Desist immediately from all violations of international human rights law and international humanitarian law and abuses of human rights, including those amounting to crimes under international law;**

(b) **Declare that such acts will not be tolerated and remove those suspected of such acts from active duty pending investigation.**

83. **The High Commissioner recommends that the Government of Libya:**

[13] See Security Council resolution 2213 (2015), para. 11.

(a) Ensure that all people within the territory of Libya whose rights have been violated are afforded an effective remedy;

(b) Ensure prompt, thorough and effective investigations by independent and impartial bodies of allegations of violations and abuses, and that those responsible are held accountable;

(c) Address urgently the proliferation of armed groups, including by instituting a programme of disarmament, demobilization and reintegration;

(d) Resume State-building activities as soon as feasible, with a particular focus on building inclusive institutions, effective law enforcement agencies, an independent and impartial justice sector and a unified armed force operating under civilian control;

(e) Institute a comprehensive vetting programme compliant with standards of due process to remove and prevent the recruitment into State services – including armed forces, law enforcement and judicial services – of individuals about whom there are reasonable grounds to believe they have been involved in violations of international human rights law or international humanitarian law, or abuses of human rights;

(f) Address the situation of conflict-related detainees, including by ensuring that the State is in control of all detention facilities, and that the cases of detainees are appropriately screened with a view to either charge or release them in accordance with international standards;

(g) Ensure the proper treatment of all individuals in detention or deprived of liberty, including by eliminating torture and other ill-treatment, including sexual violence; access must be ensured to medical treatment, sufficient food and water. Detainees should have access to legal counsel and courts to seek legal review, as well as to their families and other relevant individuals. International and national monitoring organizations should be permitted regular, unhindered and without-notice access to all places of detention;

(h) Support the independence of the National Council for Civil Liberties and Human Rights, and ensure its ability to operate safely and in accordance with international standards;

(i) Respect and promote the role of civil society, including by ensuring the protection of human rights defenders and journalists;

(j) Address urgently the situation of migrants to ensure that all individuals, regardless of their status, are able to enjoy their human rights, including by adopting and implementing an effective refugee status determination procedure and implementing alternatives to migration-related detention, and taking effective action to combat human trafficking;

(k) Facilitate the voluntary return of persons who are currently internally displaced, including the Tawerghan community, in a safe and dignified manner;

(l) Ensure respect for the rights of children, including by combating recruitment and the use of children by groups pledging allegiance to ISIL, and redressing gaps in children's enjoyment of rights, including the right to education;

(m) Take effective action to eliminate sexual and gender-based violence, including by implementing a gender-sensitive protection and reporting mechanism and providing rehabilitation services and access to justice for victims;

(n) Review budgetary arrangements that limit funding for programmes relating to economic and social rights (such as food, education and health care), and

take immediate steps to remedy damage to facilities and to bolster systems of emergency response, including through coordinated international assistance;

(o) In relation to further criminal justice accountability measures:

(i) Extend full cooperation with and support for the International Criminal Court by assisting its investigations and complying with its rulings;

(ii) Consider the establishment of a specialized judicial structure within Libyan courts to focus specifically on crimes under international law, supported by specifically appointed judges, prosecutors, investigators and lawyers, with the possibility of at least initially embedding foreign advisers or experts to work in tandem with Libyan officials;

(p) With regard to the justice sector:

(i) Urgently ensure protection for judges, prosecutors and other justice system staff and courts;

(ii) Implement an effective witness protection programme;

(iii) Prioritize reform of the Penal Code and the Code of Criminal Procedure to encompass violations of international human rights and humanitarian law, including crimes under international law, and ensure that procedures are consistent with international human rights standards;

(iv) Institute a vetting programme of the judicial police, the judiciary and other justice system actors in accordance with standards of due process to remove and prevent the recruitment of individuals about whom there are reasonable grounds to believe that they have been involved in human rights violations or abuses, or are responsible for corruption, bias or incompetence;

(v) Devise and implement a plan of action to strengthen the justice sector;

(q) Review transitional justice measures introduced after 2011 with a view to ensuring compliance with international human rights standards, and appropriate coverage of events in 2014 and 2015. Future transitional justice initiatives should be based on genuine, inclusive national consultations, with a particular focus on victim communities.

84. The High Commissioner recommends that the international community:

(a) Support the International Criminal Court, particularly by providing the Office of the Prosecutor with the resources necessary to investigate and prosecute the alleged crimes under international law committed in Libya since 2014;

(b) Provide assistance to strengthen the capacity of the justice and related sectors, and provide support to transitional justice mechanisms that are compliant with international standards;

(c) Support the convening of a high-level meeting in consultation with the Libyan authorities to bring together Libyan actors and international partners to discuss initiatives to increase accountability in Libya;

(d) Prioritize support for a programme of demobilization, disarmament and reintegration of members of armed groups, to be conducted in compliance with international human rights standards;

(e) Apply stringent screening procedures to recipients of technical assistance or other persons involved in peacekeeping or military exchanges or training programmes;

(f) Ensure protection of and practical assistance to Libyan human rights defenders (including by facilitating emergency visas, temporary shelter and relocation where necessary), and consider the establishment of a fund to support human rights defenders at risk;

(g) Ensure respect for the principle of non-refoulement, and provide protection, in accordance with international law, for those with a well-founded fear of persecution.

85. The High Commissioner recommends that the Human Rights Council:

(a) Continue to monitor developments in Libya and, to that end, to consider the establishment of a mandate of independent expert on Libya, to report to the Council on progress made towards accountability and on the situation of human rights;

(b) Encourage relevant special procedure mandate holders to make visits to Libya when feasible;

(c) Share a copy of the present report with the General Assembly and the Security Council for deliberation.

86. The High Commissioner recommends that the Security Council:

(a) Take action with respect to listing individuals responsible for violations or abuses under the current sanctions regime of the Security Council, while ensuring that any sanctions imposed are accompanied by rigorous procedural safeguards that guarantee minimum standards of due process;

(b) Increase the capacity of the Human Rights Division of UNSMIL to carry out monitoring and capacity-building activities, and mandate UNSMIL to undertake appropriate follow-up to the findings and recommendations contained in the present report.

United Nations A/HRC/31/48

General Assembly

Distr.: General
21 January 2016
English
Original: French

Human Rights Council
Thirty-first session
Agenda items 2 and 10
Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General
Technical assistance and capacity-building

Situation of human rights in Guinea

Report of the United Nations High Commissioner for Human Rights

Summary

In the report submitted pursuant to Human Rights Council resolution 28/33, the United Nations High Commissioner for Human Rights describes the human rights situation in Guinea in 2015 and makes recommendations to address various human rights problems. He also provides information on the activities of the country office of the High Commissioner for Human Rights in Guinea and the results achieved through the technical assistance provided by the latter.

GE.16-00828 (E) 170216 180216

Please recycle

Contents

		Page
I.	Introduction	3
II.	Main political and economic developments affecting human rights	3
III.	Situation of human rights	4
	A. Violations committed in the context of the protests	4
	B. Right to physical and psychological integrity	5
	C. Right to freedom and security	6
	D. Right to participate	6
	E. Right to health	7
	F. Right to education	7
	G. Fight against impunity	7
	H. Administration of justice and conditions of detention	8
	I. Violence against women	10
IV.	Cooperation to promote and protect human rights	11
	A. Transitional justice and national reconciliation process	11
	B. Cooperation with international human rights protection mechanisms	12
	C. Strengthening the rule of law	13
	D. Support for civil society organizations	14
V.	Conclusions and recommendations	15

I. Introduction

1. In the present report, submitted pursuant to Human Rights Council resolution 28/33, the United Nations High Commissioner for Human Rights assesses the human rights situation in Guinea in 2015, as well as the steps taken by the Government to implement the recommendations of the international human rights protection mechanisms and those made in the High Commissioner's previous report (A/HRC/28/50). The High Commissioner also reviews the activities of the country office of the High Commissioner for Human Rights in Guinea and makes recommendations to the Government and the international community.

II. Main political and economic developments affecting human rights

2. On 11 October 2015, Guinea held the second democratic presidential election in its history, resulting in the re-election of Alpha Condé.

3. The run-up to the election was dominated by sharp disagreements among politicians on how the elections should be organized. During the second quarter of the year in particular, coalitions of the opposition parties, republican forces and extra-parliamentary groups organized public protests to demand the reconstitution of the Independent National Electoral Commission, the organization of municipal and local elections before the presidential election and the revision of the electoral lists.

4. During the second and third quarters, there were many violent incidents in the suburbs of Conakry between law enforcement officers and groups of protesters and between the President's sympathizers and opposition supporters. As a result of the violence, the country office of the United Nations High Commissioner for Human Rights in Guinea tallied at least 6 civilian casualties, 2 owing to gunfire, and over 50 wounded, including 9 by gunfire. In addition, 22 law enforcement officers were injured, including 6 by homemade rifles.

5. In June 2015, in order to restore peace, politicians agreed to set up an ongoing dialogue between supporters of the President and opposition members, to be led by the Minister of Justice. The pursuit of a consensus-based solution to the political crisis was championed by the international community, especially the United Nations through the Special Representative of the Secretary-General for West Africa, the African Union, the Economic Community of West African States (ECOWAS), the International Organization of la Francophonie, the European Union, the United Nations Development Programme (UNDP), France and the United States of America. On 20 August 2015, the main political actors signed an agreement on: the organization of the presidential election; the redrawing of the 128 urban and rural municipalities based on the results of the proportional list from the 2013 legislative elections; the establishment of a technical committee responsible for monitoring the electoral lists; and the partial reconstitution of the Independent National Electoral Commission through the replacement of some commissioners from the presidential camp who had passed away with commissioners from the opposition.

6. In 2015, the Government continued its efforts to strengthen democracy, in particular by setting up the institutions provided for under the Constitution, namely the Constitutional Court, the Independent National Human Rights Institution and the High Communications Authority. It also opened competitions for public service jobs.

7. The year was also marked by the continuation of reforms undertaken in key areas identified at the end of the transition period in 2010, including justice and security

sector reforms. For example, the national police force and the civil protection force now have a disciplinary code and a code of ethics.

8. On 28 September 2015, the Government inaugurated a hydroelectric dam that has already considerably improved the supply of electricity to the capital and some cities in Basse-Guinée and Moyenne-Guinée. The State continues to invest in basic infrastructure, roads, health-care facilities and recreational centres.

9. Nevertheless, in 2015 Guinea ranked 182nd out of 188 in the UNDP human development index.[1] Ebola virus disease, which broke out in 2014, and the drop in the price of raw materials on the global market severely strained the country's economy. Foreign investment plummeted, causing high unemployment and sending the country into economic stagnation.

III. Situation of human rights

A. Violations committed in the context of the protests

10. Many clashes occurred from April to October 2015 between law enforcement officers and groups of protesters and between the President's sympathizers and opposition supporters, resulting in death and injury owing to the violence resorted to by the protesters and excessive use of force by the police.

11. The country office of the High Commissioner for Human Rights in Guinea recorded six killings during protests by the political opposition between April and October.

12. For example, on 13 and 14 April 2015, despite the ban declared by the authorities,[2] the opposition organized demonstrations in a number of neighbourhoods of Conakry to protest against insecurity in the country and an attack against their spokesperson.[3] Large numbers of protesters, armed with clubs, slingshots and rocks, barricaded roads. The protests led to clashes with the security forces, resulting in the death of a 30-year-old man in the Hamdallaye neighbourhood of Ratoma. According to witnesses, the man was shot by a gendarme.

13. On 7 May 2015, also during political protests in the Hamdallaye neighbourhood, a 34-year-old man was shot and killed, allegedly by a gendarme.

14. On 7 October 2015, gendarmes allegedly fired at supporters of an opposition party, Union des forces démocratiques de Guinée, who had gathered in the Wanindara, Marché II sector in Conakry. A 23-year-old man was killed by gunfire and another injured and more than 100 people were arrested.

15. The staff of the country office visited three public and private health-care facilities in Conakry and met with nine individuals injured by gunfire during the protests of 13 and 14 April 2015. Several injured persons and witnesses stated that the shooters were police officers and gendarmes. In a clinic in Conakry, staff of the country office met with two other people injured by bullets allegedly shot by gendarmes during the protests of 20 April 2015. At the Conakry prison, staff of the country office visited two minors who were arrested during the protests of 13 and 14

[1] See http://hdr.undp.org/en/composite/HDI.

[2] Because they did not recognize the lawfulness of the competent authorities (special delegations), the opposition groups had decided not to submit a written request to the authorities, leading to a ban on protests for failure to comply with procedure.

[3] On the night of 4 April 2015, a member of parliament and spokesperson, Aboubacar Sylla, was attacked in Conakry. While he was driving, two unidentified armed individuals allegedly ordered him to pull over and attempted to enter the vehicle.

April; both had been injured by blows from batons wielded by gendarmes in the Hamdallaye neighbourhood of Ratoma.

16. The security forces have not drawn up a report to determine the origin or circumstances of the shootings and did not come to the aid of the victims, who were transported to health-care facilities by the Red Cross, their families or other protesters.

17. Following the violence on 13 and 14 April, on 15 April the Government announced that an investigation would be conducted to determine responsibility; the findings have not been made public.

18. The United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials encourage the use of non-violent means to disperse crowds.[4] The use of weapons must be exceptional and can only occur in cases of absolute necessity or self-defence to protect the lives of third parties or to arrest a person who presents a danger and is resisting the authority of law enforcement officers. In the event of illegal gatherings, the use of force should be limited to cases of absolute necessity and be exercised in keeping with the principles of necessity and proportionality.

19. The security forces also carried out mass arrests during the protests and arrests of persons assumed to be close to the opposition. In April and May 2015, staff of the country office went to police and gendarmerie stations where they visited over 100 people who had been arrested during the opposition protests. Some people stated that they had been arrested in the street or at home. According to consistent victim statements, many had been released once their families had paid the arresting police officers or gendarmes an amount ranging from 200,000 to 500,000 Guinean francs (US$ 25 to 65).

20. During clashes between opposition supporters and the President's sympathizers in September 2015 in Koundara, in Boké administrative region, security forces allegedly came from Boké to restore order and arrested 35 individuals suspected of violent acts, along with mere passers-by, including a visually impaired person who was detained at the Boké prison.

B. Right to physical and psychological integrity

21. Significant challenges remain with regard to the manner in which suspects are questioned, especially in cases of serious crime. The country office has observed that it is during the arrest and preliminary investigation stages that most acts of torture are committed by members of the security forces, either to punish the suspects or to force them to admit their guilt or name any accomplices.

22. In 2015, the country office monitored the cases of three foreign men who claimed to have been tortured at the premises of the organized crime unit in May 2015. They were suspected of being involved in the murder of the project coordinator of the Peacebuilding Fund in Guinea in February 2015. In December 2015, they were being held at Conakry prison.

23. The country office has collected information on other cases amounting to inhuman or degrading treatment. In January 2015, staff of the country office met with 32 pretrial detainees held at the civilian prison of Forecariah who were all arrested for destruction of public and private property, bodily harm and assault against officials

[4] The Basic Principles on the Use of Force and Firearms by Law Enforcement Officials were adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Havana from 27 August to 7 September 1990. www.ohchr.org/FR/ProfessionalInterest/Pages/UseOfForceAndFirearms.aspx.

involved in Ebola virus eradication efforts. They all claim to have been subjected to ill-treatment during their arrest, 21 of them at the hands of gendarmes and 11 by police officers.

C. Right to freedom and security

24. Between January and November 2015, staff of the country office conducted 182 visits to places of detention (prisons, police and gendarmerie stations) during which they observed many cases of arbitrary arrest, extended unlawful detention and continued detention of persons who had served their sentence.

25. Since its establishment in Guinea in 2010, the country office has encountered a widespread form of violation of the right to freedom and security whereby mass arrests are carried out during political and social turmoil and persons suspected of criminal offences are held beyond the statutory limit on police custody in order to extract payment from relatives for their release.

26. In June 2015 alone, the country office recorded 36 cases where the 48-hour statutory limit on police custody was exceeded.

27. In September 2015, staff of the country office visited the urban police station of Enco 5 in the Ratoma district of Conakry, where they met suspects from whom the superintendent had allegedly demanded the payment of a sum of money in return for keeping their cases from going to the public prosecution service. Questioned by the country office regarding the lawfulness of this demand, the detective claimed to have the right to issue "police fines" to suspects. The country office brought the case to the attention of the competent prosecution service. Staff of the country office noted the prevalence of this practice at many police custody facilities, in Conakry and the interior of the country alike, such as the gendarmerie station in Sougueta in the administrative region of Kindia.

28. In August 2015, in Beyla, Guinée Forestière, 12 individuals remained in prison for five weeks despite the fact that the gendarme responsible for investigating their case had declared that they had not committed any offence.

29. In Conakry, at the central police station of Matoto and gendarmerie mobile unit No. 2 in the Hamdallaye neighbourhood of Ratoma, staff of the country office met two young men, one who had been arrested for impregnating a woman and the other for having a verbal altercation with a police officer. In the latter case, the police officer had handed the victim over to the gendarmerie for "disrespecting him". The young man had remained locked up for two days. Both victims were released after the country office argued in their favour.

D. Right to participate

30. Notwithstanding the political violence that marred the pre-election period, in particular during protests organized by the opposition, all of the national and international observers noted that the presidential election took place under free and transparent conditions. Candidates were allowed freely to stand for election, travel, campaign and present their platforms.

31. However, the human rights observers trained by the country office who were deployed to all regions of the country noted anomalies and irregularities that hindered the right to vote, one of the major components of the right to participate. In the four administrative regions, thousands of citizens complained of not being able to enter their names in the electoral lists because there were no enumerators in their towns.

Thousands of others claimed that they did not receive their voting cards despite having been registered and holding registration receipts.

E. Right to health

32. Ebola virus disease, which broke out in Guinea in March 2014, monopolized nearly all the efforts of the Government and its partners in the area of health. The epidemic led to the death of over 2,000 people, the breakdown of the health system due to the loss of over 100 doctors and medical professionals and the desertion of health facilities by patients with other illnesses such as malaria, tuberculosis and HIV/AIDS.

33. With the support of national and international partners, the Government managed to limit the spread of the disease, in particular by conducting intensive awareness-raising efforts, monitoring persons who came into contact with the disease,[5] ensuring victims were buried in safe conditions and authorizing an experimental vaccine against Ebola virus.

34. In April 2015, the Government launched a health system recovery plan for 2015-2017 that focuses on the recruitment and training of medical staff, the construction or rebuilding of infrastructure and the development of medical research. In October 2015, the President initiated renovation and expansion work at the Donka University Hospital Centre, the country's largest hospital.

F. Right to education

35. With the assistance of its development partners, the Government made considerable efforts to improve the education system, especially through the Education For All programme developed as part of the implementation of the poverty reduction strategy. In addition, the education-sector adjustment programme has led to a notable improvement in school infrastructure, access to education, quality of instruction and of learning and decentralized management.

36. However, corruption, which is rampant in Government departments,[6] hinders the effectiveness of education and its provision free of charge, for example through the imposition on parents of abusive fees. In some public schools in Guinée Forestière and Haute-Guinée, in addition to the contributions to the parents' association, every new student is required to provide a desk and chair or to pay the equivalent amount, carry out housekeeping or gardening chores and provide personal services to some teachers. These practices impede the right to education and should entail the imposition of effective disciplinary measures.

G. Fight against impunity

37. In his previous report, the High Commissioner for Human Rights recommended to the Government that it continue to combat impunity, particularly through effective prosecution of alleged perpetrators of human rights violations committed during the events of 28 September 2009, the incidents that took place in Zogota in August 2012, the intercommunal violence of 15 to 18 July 2013, the attacks in Womey on 16 September 2014 and the numerous cases of torture pending before the courts. The

[5] Any asymptomatic person who has come into physical contact with a known case or with the bodily fluids of the latter.

[6] In 2014, Guinea ranked 145th out of 175 on the Corruption Perceptions Index calculated by Transparency International; see www.transparency.org/cpi2014/infographic/global.

country office notes that the judiciary has demonstrated good will by prosecuting some of these cases.

38. From 23 March to 7 May 2015, the Ministry of Justice held mobile sessions of the Kankan appeals court in Nzerékoré to prosecute the murder, in September 2014, of eight members of an Ebola virus awareness-raising team in Womey, as well as intercommunal clashes that took place in July 2013 in Koulé, Nzerékoré and Beyla. In the Womey case, 26 men were accused of killing nine members of a team who had come to raise public awareness of the means of preventing Ebola virus. Eleven of the men were sentenced to life imprisonment while the other 15 were acquitted. In the case of the intercommunal clashes between the Koniaké and the Guerzé that resulted in over 200 deaths, the court sentenced 13 of the 18 defendants to various penalties — including life imprisonment and 20 years' imprisonment — and the other five defendants were acquitted on grounds of failure to substantiate the offences.

39. Other big criminal cases involving several dozen people that were scheduled to be heard by the Kankan appeals court were postponed indefinitely because of a lack of financial resources. The cases relate to the alleged attack by villagers from Zogota against the Brazilian firm ZAGOPE and the attack by defence and security forces against inhabitants of Zogota, on the night of 3 to 4 August 2012.

40. Regarding the events of 28 September 2009, when more than 150 civilians who were demonstrating peacefully at the Conakry stadium were killed and over 100 women were raped by soldiers, in July 2015 the panel of investigating judges granted a hearing to and indicted Moussa Dadis Camara, the leader of the military junta in power at the time of the events, and General Mamadouba Toto Camara, the vice-president of the junta, a little earlier, in June. Several hundred victims and witnesses were heard in this case.

41. The authorities have demonstrated good will in their cooperation with the international community on managing this case. In follow-up to the case, in July 2015, the highest authorities received a visit from the prosecutor of the International Criminal Court, and one in September from the Special Representative of the Secretary-General on Sexual Violence in Conflict.

42. Those who suffered in the events of 28 September 2009 want justice to be done as quickly as possible given that, six years after the fact, the case remains in the investigation stage before the court of first instance. Some victims have died and others want to locate the mass graves so that they may mourn the deceased.

43. Notwithstanding the efforts of the Government to reform the justice and security sectors, impunity remains a major concern. The country office has gathered information on many crimes involving law enforcement officials which remain pending before the courts. For example, despite regular summonses by the authorities, three gendarmes mentioned in various murder cases have refused to come before the judges, arguing that their superiors prohibit it.

H. Administration of justice and conditions of detention

44. In February 2015, the Government approved a plan of priority actions for justice reform with a focus on the following areas: access to the law and justice; an independent and accountable judiciary: the strengthening and enhancement of human and institutional capacity; and the unwavering fight against impunity.

45. In October 2015, in order to address staff shortages in the courts, the Government launched a competition to recruit 50 trainees (who will become judges after a two-year training programme) and 50 registrars.

46. The Government also continued to build and refurbish courts and prisons, including outside the capital. In 2015, construction began on courthouses in five districts of the Kankan administrative region in Haute-Guinée. In April 2015, the Minister of Justice laid the first stone of a maximum security prison in Dubréka, 55 kilometres from Conakry.

47. In June 2015, the National Assembly adopted a law on the reorganization of the judiciary that eliminated the magistrate's courts, assize courts and specialized courts, such as the labour tribunal and the juvenile court. The elimination of the juvenile court, which was seen as an unequivocal step backwards by juvenile justice professionals, caused indignation among human and children's rights defenders. The law introduces the principle of appeal, including in criminal and military cases, and guarantees the right of all persons deprived of their liberty, especially pretrial detainees, to be tried within a reasonable period of time.

48. Notwithstanding the fact that some progress has been made, the justice system continues to be plagued by many deficiencies and detention conditions remain extremely poor.

49. Among the chief shortcomings in the justice sector is the nearly systematic recourse to pretrial detention. This is compounded by the infrequency of hearings (scheduled every four months) which, according to the judicial authorities, is due to insufficient financial resources and by the fact that cases are not tried in chronological order. In November 2015, because of these various factors, 66 individuals were in pretrial detention at the Conakry prison, some having been there for between 3 and 11 years.

50. The case of some pretrial detainees who have been held for protracted periods is worrying. In November 2015, staff of the country office met with two men held in pretrial detention for serious offences for more than 11 years and two others held for lesser offences for 6 to 8 years, despite the fact that the limit on pretrial detention is 8 months for lesser offences, 12 months for more serious offences and 24 months for some offences (drug trafficking, paedophilia, organized crime, transnational crime and breach of State security).

51. Between July and August 2011, five soldiers were arrested in connection with an attack on the home of the President on 19 July 2011. In July 2012, the indictment chamber of the appeals court of Conakry ordered their referral to the military court, which did not exist at the time of the events and was still not functional in December 2015. In May 2015, the United Nations Working Group on Arbitrary Detention requested the Government to proceed with their immediate release and to take all necessary measures to address the serious material and moral damage they had suffered, including comprehensive reparation in keeping with article 9, paragraph 5, of the International Covenant on Civil and Political Rights.[7] In December 2015, the soldiers were still in custody.

52. The shortcomings of the justice system have a direct impact on the living conditions of detainees. In Guinea, places of detention in general, and prisons in particular, are characterized by narrow cells, overcrowding, lack of hygiene, undernourishment, lack of health care and the lack of physical, professional and cultural activities. In 2015, prison overcrowding rose owing to the many arrests and pretrial detentions in connection with the political and social events and the irregularity of court hearings.

[7] Communication No. 20/2015, *General Nouhou Thiam et al. v. Guinea*, views adopted by the Working Group on Arbitrary Detention on 29 April 2015.

53. In all the country's central prisons and the prisons of the main towns in the administrative regions, capacity is considerably exceeded. The central prison in Conakry, which was built during the colonial period to house 300 people, currently has five times that number: in November 2015, the number of detainees was over 1,500. The prisons in Kindia, Mamou, Nzerékoré, Kankan and Boké are also overcrowded. The close quarters and the lack of adequate care mean that the right to dignity is constantly infringed. In Boké, the detainees in some cells are forced to defecate and urinate inside their shared cell because there are no outdoor toilets.

I. Violence against women

54. In his previous report, the High Commissioner recommended that the Government strengthen efforts to combat all forms of discrimination, particularly gender-based stereotypes, and safeguard the right of victims to prosecute perpetrators of discrimination through the courts.

55. In cooperation with its national and international partners, the Government continued to combat gender-based violence. Meaningful legal reforms have been under way for over a decade with a view to bringing the Guinean legal system into line with the international human rights instruments to which Guinea is a party. In 2009, the Government set up the Office for the Protection of Gender, Children and Morals to fight violence against women and children. In partnership with the United Nations system and other national and foreign actors, the Ministry of Social Action, the Advancement of Women and Children's Affairs intensified awareness-raising campaigns on all forms of violence against women.

56. Nevertheless, sexual violence, early marriage, domestic violence and female genital mutilation remain widespread across the country.

57. Although the Children's Code, which was adopted in 2008, sets the minimum marriage age at 18, thousands of underage girls are forced into marriage each year, leading to serious health problems, especially of a gynaecological and obstetrical nature, and failure to complete their schooling.

58. Many women continue to be subjected to physical violence, including sexual violence, both within and outside the marriage. In 2015, the Office for the Protection of Gender, Children and Morals received over 400 complaints: 166 of rape, 58 of sexual assault, 157 of physical assault, 14 of forced marriage, 9 of withholding of resources and 5 of psychological violence.

59. According to all the actors working on the issue of violence against women, these figures are far below the actual numbers. The issue of rape and other forms of violence against women remains taboo. According to the Ministry of Social Action, the Advancement of Women and Children's Affairs, only 1 per cent of women victims of gender-based violence take legal action. Usually, victims are under great pressure from their families, the elites and religious figures to not file a complaint or to withdraw one if legal action has been taken.

60. The most common form of violence against women and girls remains female genital mutilation, including circumcision. According to the findings of the 2012 Demographic and Health Survey, 97 per cent of girls and women have been subjected to circumcision, placing Guinea second in the world, despite numerous awareness-raising campaigns designed to discourage the practice. In 2015, the security services arrested 22 people involved in the circumcision of young girls, the second time

individuals have been arrested for such acts in Guinea. Fourteen of them were brought before the courts and three were given suspended prison sentences or fines.[8]

IV. Cooperation to promote and protect human rights

A. Transitional justice and national reconciliation process

61. In 2015, the country office of the High Commissioner for Human Rights in Guinea continued to provide technical support to the Provisional Commission on National Reconciliation,[9] as part of the implementation of a project to further national consultations regarding the national reconciliation process and mechanisms. The goal of the project, which is funded by the Peacebuilding Fund, is to gather the public's views on how to achieve national reconciliation. With the support of the authorities, the country office and the United Nations Development Programme (UNDP), the Provisional Commission's headquarters have been established and its staff have been recruited and deployed following its official inauguration by the President on 25 March 2015.

62. As part of its technical support to the Provisional Commission, the country office has held capacity-building sessions for various stakeholders, including the staff of the national consultations project, women leaders and members of the Government. From 22 to 25 April 2015, with the financial support of the International Organization of la Francophonie, the country office held a seminar in Conakry to enable female leaders to share their experience with regard to the issues, challenges and outlook surrounding the involvement of women in the transitional justice process. Pursuant to one of the recommendations made at this training session, the female leaders set up a platform for peace of the women and young people of Guinea. The platform's members are actively involved in bringing about a peaceful dialogue and alleviating political tensions through advocacy work with various social actors.

63. From 4 to 7 May 2015 the country office held a capacity-building session in Boké, for the staff of the Provisional Commission regarding their role and responsibilities in the national reconciliation process.

64. On 15 July 2015, the country office held an information seminar in Conakry on the Government's role and responsibilities in the reconciliation process in which the Prime Minister, 28 members of the Government and senior officials took part.

65. The country office also provided technical support, enabling the Provisional Commission to hold exchanges and information sessions with social actors to discuss the issues and challenges in relation to the national consultations and identify the actions to be taken to ensure their success. Throughout July 2015, the co-presidents of the Provisional Commission were able to meet with members of the National Assembly, victims' associations, the gendarmerie high command, the police, high ranking military officers, the media and the country's technical and financial partners.

66. With the technical support of the country office and UNDP, the regional teams of the national consultations project that were deployed in the field held information sessions in all the administrative regions on the pillars of transitional justice, the

[8] Under the Children's Code, the penalties range from 3 months' to 2 years' imprisonment and a fine of between 300,000 and 1 million Guinean francs (art. 407). If the mutilation led to some form of disability, the perpetrator(s) will be punished by 5 to 10 years' rigorous imprisonment and a fine of between 1 million and 3 million Guinean francs (art. 408). If the procedure resulted in the child's death, the perpetrator(s) will be punished by 5 to 20 years' rigorous imprisonment (art. 409).

[9] The Provisional Commission was established by Decree No. D/2011/192/PRG/SGG of 24 June 2011.

holding of national consultations, the role of the Provisional Commission and the involvement of victims in the transitional justice process. During these activities, which were run by the country office and designed for local State actors and civil society organizations, 4,037 people (including 1,076 women) were made aware of the need for a participatory and inclusive approach to dealing with the country's past.

67. The country office assisted the Provisional Commission in drawing up and carrying out a strategy for publicizing and promoting participation in the national consultations, including by providing technical expertise to the Provisional Commission's media team.

B. Cooperation with international human rights protection mechanisms

1. Universal periodic review

68. The country office's advocacy work and technical assistance led to the submission of the second periodic report of Guinea to the Working Group on the Universal Periodic Review (A/HRC/WG.6/21/GIN/1), which was considered on 20 January 2015. Following its consideration, 194 recommendations were made to the Government. In its reply of June 2015, the Government accepted 180 of the recommendations and took note of the other 14, which mainly concerned the abolition of the death penalty and the protection of lesbians, gays, bisexuals and transgender persons.

69. The recommendations that were accepted dealt with, inter alia, the signing and ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the Agreement on the Privileges and Immunities of the International Criminal Court; the establishment of the Independent National Human Rights Institution; the continued reform of the justice and security sector; the fight against female genital mutilation, including circumcision; the struggle against impunity; the protection of the rights of vulnerable persons, including detainees, women and children; and national reconciliation.

70. The country office works closely with the Government and civil society on the implementation of these recommendations. In December 2015, the country office met with the relevant partners to formulate an implementation plan, taking into account the achievements and progress made in carrying out the recommendations stemming from the universal periodic review of 2010.

2. Cooperation with treaty bodies

71. The country office continued to help its Guinean partners to catch up on the submission of reports to the treaty bodies. It provided support to the interministerial committee on human rights for the preparation and submission of the initial report of Guinea to the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families. This report, which should have been submitted in 2004, was transmitted in July 2015. In that connection, on 26 August 2015, the country office ran a training session for the members of the interministerial committee on taking ownership of the report, raising awareness of the rights enshrined in the Convention and preparing the delegation responsible for defending the report in Geneva. In its concluding observations, the Committee encouraged Guinea to consider adopting a migration policy (see CMW/C/GIN/CO/1, para. 8).

C. Strengthening the rule of law

1. Legal reforms

72. For the past several years, the country office has been supporting the Government in its efforts to reform the security and justice sectors.

73. In 2015, in cooperation with the relevant partners, the country office took part in all the sessions to review the various legal instruments, in particular the Code of Military Justice, the Criminal Code, the Code of Criminal Procedure, the Civil Code and the Children's Code. Thus, the country office ensured that human rights, including the right to a fair trial, were taken into consideration in the law in keeping with the country's relevant international commitments.

74. The bills to amend the Criminal Code, the Code of Criminal Procedure, the Civil Code and the Code of Military Justice were transmitted to the Ministry of Justice in May 2015, which then transferred them to the Secretariat-General of the Government in September 2015 for consideration by the Government before being put to the National Assembly.

75. The country office also provided assistance to the Ministry of the Interior and the Ministry of National Defence on formulating codes of conduct and codes of ethics for the police and civil protection force. It provided support to the Ministry of Social Action, the Advancement of Women and Children's Affairs in drafting a bill on equality, which was transmitted to the Secretariat-General of the Government in September 2015.

76. The legal framework for the protection of human rights was strengthened through the adoption of the following instruments between April and June 2015: a law on the reorganization of the judicial system; a law on the application of article 37 of the Constitution of 7 May 2010 and special regimes for the punishment of offences committed by certain officials; and a law on public order. All these instruments have taken into account human rights, especially the right to a fair trial, and gender.

77. In 2015, the country office published 15,000 copies of the code of conduct of the defence and security forces and 45,000 copies of the summary of the code, in booklet form. The code of ethics, part of which is devoted to respecting the principles and values of human rights, has been used by the country office as a teaching tool at information and awareness-raising sessions for the defence and security forces and the unit responsible for security during the presidential election.[10]

2. Institutional strengthening

78. The country office continued to advocate the establishment of the institutions provided for in the Constitution. In 2015, three institutions, whose role is fundamental to strengthening the rule of law, were set up.

79. The establishment of the Constitutional Court was a major achievement, and its members were sworn in on 3 April 2015.

80. In addition, the Independent National Human Rights Institution became operational. Following the promulgation of the law on the organization and functioning of the Independent National Human Rights Institution (adopted in July 2011) in December 2014, its 33 members were appointed by presidential decree on 30 December 2014. In August and October 2015, the country office began a series of

[10] The unit is a temporary entity composed of police officers and gendarmes responsible for security during the election campaign, on the day of the election and after the announcement of the final results.

capacity-building sessions for the members of the Institution on the institution's role in promoting and protecting human rights and on the monitoring of human rights during elections.

81. Lastly, the High Communications Authority [11] was set up in March 2015, replacing the National Communications Council. This institution has 11 members, appointed for a single, five-year mandate. Its mission is to protect the right to information. It also has a support and mediation role with a view to preventing undue control of the media by the Government and any manipulation of public opinion via the media. It is responsible for ensuring freedom and protection of the press and all mass media in keeping with the law. In addition, it ensures that the related ethical considerations are observed and that political parties, associations and the public have equal access to official information and the media.[12] The president of the Authority was nominated by the President then elected by her peers in March 2015.

82. The establishment of these institutions is a significant step forward in the strengthening of the rule of law. However, sufficient financial and logistical resources [13] must be allocated in order to ensure that they operate smoothly and independently.

3. Establishment of a committee to monitor human rights violations

83. In December 2014, the country office set up a committee to monitor cases of human rights violations; the committee is composed of representatives of the Ministry of Justice, the Ministry of National Defence, the Ministry of the Interior, the gendarmerie high command and the Military Justice Directorate, as well as non-governmental organizations working in the areas of women's rights, children, detention conditions and legal aid. The committee meets monthly, under the auspices of the country office, to discuss the human rights situation, in particular the alleged violations brought to the attention of or observed by the country office in the preceding month. The committee then submits recommendations to the representative of the ministry or ministries concerned. The committee has issued early warnings and, in some cases, has helped put an end to the violations.

D. Support for civil society organizations

84. The country office continued its collaboration with human rights organizations and provided them with technical assistance. It held regular meetings with civil society organizations to discuss the human rights situation and share information regarding the activities and good practices of the various organizations. In April 2015, it trained members of women's rights organizations in the incorporation of a gender perspective in the transitional justice process. In October 2015, in partnership with the Guinean Organization for the Defence of Human Rights and the International Federation for Human Rights, the country office trained human rights observers in techniques for monitoring human rights and documenting violations during elections.

[11] As provided for under Act No. L 2010/003/CNT of 22 June 2010 on the powers, organization, membership and functioning of the High Communications Authority.

[12] See article 4 of the aforementioned law.

[13] For example, the Independent National Human Rights Institution does not have official headquarters and its offices are temporarily located at the Palais du Peuple.

V. Conclusions and recommendations

85. In the light of the observations contained in this report, the Office of the High Commissioner for Human Rights recommends that the Government of Guinea:

(a) Strengthen the struggle against impunity, especially among officers of the defence and security forces;

(b) Continue the reform of the justice and security sectors;

(c) Reorganize the judiciary to allow the regular holding of trials and end prison overcrowding;

(d) Take a comprehensive approach to the fight against female genital mutilation, including circumcision, and against all forms of discrimination against girls and women;

(e) Provide technical and financial support to the Provisional Commission on National Reconciliation for the conduct of national consultations and, in that connection, comply with the visit request made by the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence;

(f) Ensure that the Independent National Human Rights Institution can function, in particular by allocating the necessary financial and logistical resources, including premises, for it to carry out its mandate in keeping with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles);[14]

(g) Step up cooperation with international human rights protection mechanisms, in particular by adopting an action plan to implement the recommendations stemming from the universal periodic review and measures to follow up on the observations of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families.

86. The High Commissioner recommends that the international community:

(a) Maintain the assistance needed to continue the political dialogue and strengthen the rule of law;

(b) Continue supporting the reform of the security and justice sectors;

(c) Continue providing assistance to the Government for the post-Ebola recovery plan;

(d) Provide the Government with the necessary financial and technical assistance to support its efforts to abolish female genital mutilation, including circumcision, and to enhance the realization of women's rights;

(e) Provide the Government with the necessary assistance to reduce poverty and enhance the realization of economic and social rights.

---

[14] The Paris Principles, which were adopted by the General Assembly in resolution 48/134, define the minimum criteria that a national institution for the promotion and protection of human rights must meet in order to be considered legitimate.